

ELDRED TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

ZONING ORDINANCE COMPILATION 2015

This compilation has not been adopted as a whole by the Board of Supervisors, but simply includes all the provisions of the May 1, 2014, Zoning Ordinance and the amendments adopted on April 23, 2015, as Ordinance No. 2015-2. The intent is to facilitate the public's use of the Zoning Ordinance and amendments. However, in all cases the provisions of the underlying individually adopted ordinances remain in full force and effect, and shall apply to the extent that the provisions of same have not been changed by any subsequent amendment.

Clean Water



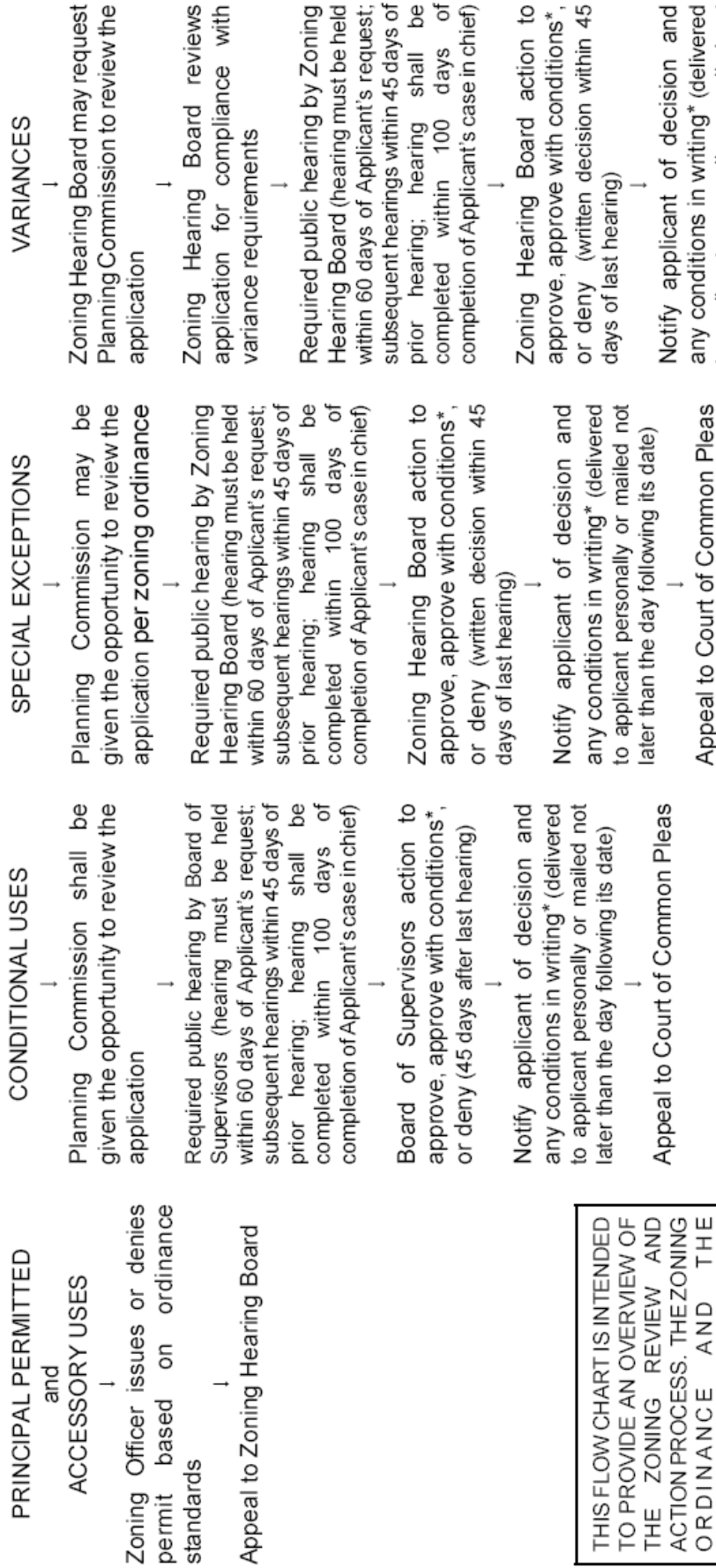
*we all live
downstream*

GUIDE TO USING THIS ZONING ORDINANCE

- ☛ **Contact the Zoning Officer** to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find what you are looking for.
- ☛ The **Table of Contents** and the **Index** at the back of the Ordinance should help you find the sections applicable to your situation.
- ☛ The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses** in Article IV.
- ☛ The **Schedule of Uses** in Article IV lists all of the uses allowed in each district and the **Table of Uses Permitted by Districts** lists uses by category and specifies in which Districts the uses are allowed.
- ☛ The **Schedule of Uses** in Article IV also classifies all of the uses allowed in each Zoning District.
 - ☛ **Principal Permitted Uses** and **Accessory Uses** - action by the Zoning Officer.
 - ☛ **Conditional Uses** - review by Planning Commission, action by Board of Supervisors. (See §1208)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1208)
- ☛ The requirements for **Permit Applications** are found in §1202.
- ☛ The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article III provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations and Off-Street Parking**.
 - ☛ Article VI governs **Residential Uses** -- conservation design, two-family dwellings, group homes, etc.
 - ☛ Article VII includes performance standards for **Commercial and Manufacturing Uses**.
 - ☛ Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to cell towers.
- ☛ **Signs** are governed by Article XII and a business sign will probably require a permit.
- ☛ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §1207.1.
- ☛ A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use**. Commonly referred to as **grand-fathered**, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article IX. Nonconforming lots, lots which do not meet the minimum size and dimension requirements, can also be used if they meet the setback, water supply and sewage disposal requirements in §911.
- ☛ If a project involves the creation of a new lot or lots, the change of lot lines, or the erection of one or more new principal nonresidential buildings, the Township **Subdivision and Land Development Ordinance** will also apply. This ordinance is separate from the Zoning Ordinance.
- ☛ **Fees** are set by Resolution of the Board of Supervisors per §1203 and are shown on the **Fee Schedule** available from the Zoning Officer.

ZONING PERMIT APPLICATION REVIEW PROCESS

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



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

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

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

ARTICLE I GENERAL PROVISIONS

100 Adoption and Conflict

The Eldred Township Zoning Ordinance of April 21, 2004, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of the Township of Eldred. If any other ordinance, code or regulation of the Township of Eldred is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

101.1 Title

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

101.2 Short Title

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

102 Purpose

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

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

103 Applicability

103.1 Existing Uses

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

103.2 Conformance

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

103.3 Authorization

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

103.4 Regulated Activities

- A. 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 or extension of a structure, building or regulated sign;
 - 2. Change in the type of use or expansion of the use of a structure or area of land; and/or,
 - 3. Creation of a lot or alteration of lot lines.
- B. No setback or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all required setbacks and open spaces connected therewith, and the remaining lot conforms with all requirements prescribed by this Ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.
- D. No setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

103.5 Repairs and Maintenance

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

103.6 Municipal Authorities and Water Companies

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

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

103.7 Public Utility Commission

- A. This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- B. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

103.8 Effect of Official Map

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

104 Interpretation**104.1 Interpretation**

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens.

104.2 Conflict

- A. Defined Terms - If a use could be classified under more than one defined term or use listed in an applicable Schedule of Uses of this Ordinance, the definition and applicable Schedule of Uses with the most restrictive standards and provisions shall apply.

B. Other Township Provisions

1. These regulations are not intended to interfere with or abrogate or annul any other Ordinance, rules or regulations previously adopted or previously issued by the Township which are not in conflict with any provisions of this Ordinance.
2. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by any other Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

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

D. Private Provisions

1. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern.
2. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of this Ordinance, then such private provisions shall be operative and supplemental to these requirements.

104.3 Specificity

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

105 Severability

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

106 Effective Date

This Zoning Ordinance shall take effect immediately upon its adoption.

ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES and GOALS

201 General Community Development Objectives

This statement of the Community Development Objectives is included under the authority of §606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include, but are not limited to the following:

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

202 Comprehensive Plan

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

ARTICLE III DEFINITIONS

301 Rules of Construction

The following rules of construction shall apply to this Ordinance:

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

302 Terms, Phrases and Words Not Defined

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

303 Definitions

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

Abandoned or Junked Vehicle - Any unregistered, unlicensed or abandoned automobile, truck, trailer, motorcycle, bus, farm machinery, or other motor vehicle, including dismantled, or wrecked or junked, or held or stored for scrap or for salvage. *Junk vehicle* shall not mean any motor vehicle classified as an antique motor vehicle by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S.A. § 101 et seq.); said classification consisting of any self-propelled vehicle, but not a reproduction thereof, owned and operated as an exhibition piece or collector's item, provided that such vehicle shall have noted on its registration record the fact that it is such a special-purpose vehicle, or any self-propelled vehicle manufactured more than 25 years prior to the current year, which is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but is not used for general daily transportation.

Abused Person Shelter - See *domestic violence* shelter. A non-profit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

Abut or Abutting - Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See *adjacent*.

Access Point - One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.

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.

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 or that are separated only by a street or waterway from each other.

Adjusted Tract Area (ATA) – See *tract area, adjusted*.

Adult Business - Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.
- C. Any of the following as defined in this 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:

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of 5 or fewer persons per machine at any 1 time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. Considered an *adult business* for regulation by this Ordinance.

Adult Bookstore or Adult Video Store - A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any 1 or more of the following: (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.)

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with *specified sexual activities*.

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

Adult Live Entertainment Use or Facility - A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving: (Considered an *adult business* for regulation by this Ordinance.)

- A. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
- B. Live performances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or,
- C. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motel - A hotel, motel or similar commercial establishment which: (Considered an *adult business* for regulation by this Ordinance.)

- A. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
- B. Offers sleeping rooms for rent 3 or more times in 1 calendar day.

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

Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas. Considered an *adult business* for regulation by this Ordinance.

Escort - A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency - A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. Considered an *adult business* for regulation by this Ordinance.

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

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

Nude Model Studio - Any place, which is not exempted, where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Considered an *adult business* for regulation by this Ordinance.

Nudity or a State of Nudity -The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areola.

Obscene Materials - Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any *specified sexual activities* and/or *specified anatomical areas*.

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

Specified Anatomical Areas - Any of the following:

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

Specified Sexual Activities - Any of the following:

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

After-Hours Club - A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Agent -Any person other than the owner who, acting for the owner, submits an application for the purpose of obtaining approval in accordance with this Ordinance.

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

Agriculture Products Processing - An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, wood pellet production, firewood cutting and sales, wood chipping operations, tanneries, dairies and food canning and freezing operations.

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

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

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

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

addition and repair.

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

Amusement Park - A commercially operated park or facility with various devices for entertainment including, but not limited to, rides, games, electronic games and similar devices, food stands and other associated facilities.

Animal 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 Shelter - A facility used to house or contain stray, homeless abandoned, or unwanted animals and that is owned operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), other nonprofit organization or person 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 receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals.

Apartment - See *dwelling, apartment unit*.

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

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

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

Archery Range, Outdoor - Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

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

Assisted Care Dwelling Unit for Relative - A dwelling unit especially erected for and limited to the temporary occupancy by a person who is part of the *family* (see definition) of to the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others, or physical handicap.

Assisted Living Facility - Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted living facilities shall be licensed as personal care centers by the Commonwealth of Pennsylvania.

Attic - Non-living space in or above a dwelling unheated with head space of less than six and one-half (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 - A secondary covering attached to the exterior wall of a building, typically composed of canvas, woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, located above a window, door, or above the area along a sidewalk.

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

Basement - An enclosed floor area partly or wholly below the finished grade with at least one-half (0.5) of its floor-to-finished height above the average level of the adjoining finished grade, and with a floor-to-ceiling height of not less than six and one-half (6.5) feet. A basement shall be counted as a story for the purpose of the building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet. See *cellar*.

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

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

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

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

Boarding House (Includes Rooming House) - A residential use in which:

A. A room or rooms not meeting the definition of a lawful dwelling unit are rented for habitation; or,

- B. A dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

Board of Supervisors or Supervisors - The Board of Supervisors of Eldred Township, Monroe County, Pennsylvania.

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

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

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

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

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building, Accessory - See *accessory structure*.

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

Building Coverage - The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

Building, Detached - A building surrounded by open space on all four (4) sides within the same lot.

Building Envelope - An area on a lot or development parcel which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site

conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

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

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

Bulk Fuel Storage Facility - Any facility where gasoline is stored in bulk for distribution by delivery truck, or fuel, including, but not limited, to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large volume tanks for distribution to retail or wholesale establishments; or any *retail home heating fuel distributor* where the storage of fuel on the site exceeds a combined total of twenty-thousand (20,000) gallons.

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

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

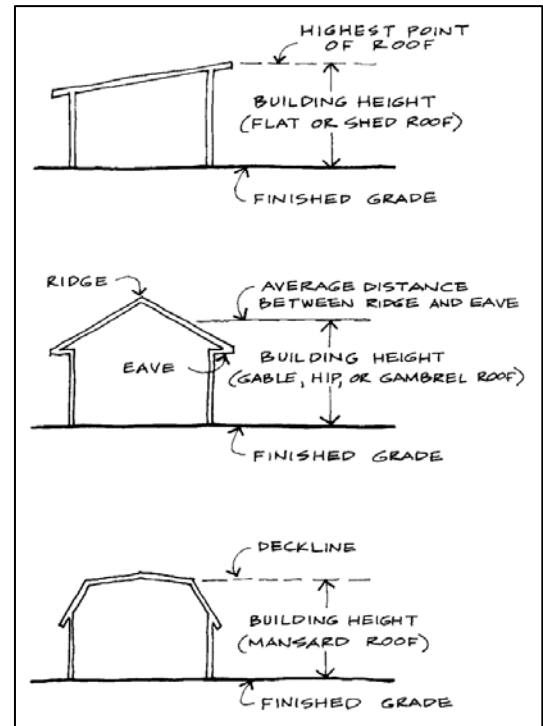
Bus Station - An area and/or building where passengers load on and unload from buses, and where parking for passenger vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.

Business 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 is not be used for long term residency of occupants.



Building Height

Canopy - An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic or other materials; or a roof over an accessory structure including, but not limited to, gasoline pumps and an ATM (automated teller machine).

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

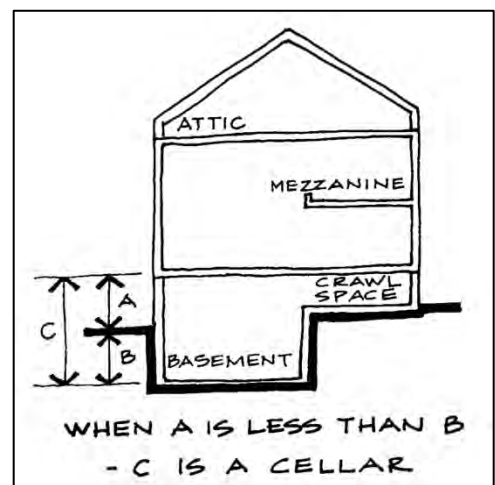
Cartway - The portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

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. See truck wash.

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

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

Certificate of Use/Occupancy - A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this Ordinance and/or the Uniform Construction Code 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 defined by the right-of-way lines of the streets and by a line of sight between points on the street right-of-way lines at a given distance from the intersection of the right-of-way lines.

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

Club/Lodge, Private - An area of land or building used by a nonprofit civic, social, fraternal, recreational, 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, but which is not

routinely open to members of the general public and which is not primarily operated as a for-profit business. A *club/lodge private* shall not include commercial recreation clubs such tennis or racquetball clubs or any other use which is specifically defined by this Ordinance. This use does not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, an auditorium or any other use specifically listed on the Schedule of Uses, unless that particular use is permitted in that Zoning District and the requirements of that use are met.

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

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

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.
- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.
- F. Privately owned antennas for receiving commercial television or radio serving a dwelling.
- G. Towers and equipment used exclusively for emergency services or government communications.

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

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

Communication Device Support Structure Height - The vertical distance measured from the base of the support structure at average grade to the highest point of the structure, including antennas.

Community Association - See *property owners association*.

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 uses or a treatment center.

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

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

Commission - The Planning Commission of Eldred Township, Monroe County, Pennsylvania.

Comprehensive Plan - The most recent Comprehensive Plan (which may be a regional plan) adopted by Eldred Township, including all maps, charts and textual matter.

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 activities 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.

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

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

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

Conference Center - A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.

Conservation Area, Primary - Those areas of a development tract included in conservation open space and which

are comprised of primary resources on which development is minimized.

Conservation Area, Secondary - Lands containing secondary resources that are conserved as a part of conservation open space.

Conservation Design Subdivision - A subdivision designed at the regulated dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

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

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

Convenience Store - A retail establishment of up to five thousand (5,000) square feet selling *prepackaged food products*, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption, *self-service fuel or other goods commonly associated with the same*.

Conventional Design Development - A subdivision or land development designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lot reduction is not permitted.

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

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

Country Club - A recreational property owned and managed by a non-profit membership organization and including recreational facilities, restaurant and meeting rooms. Property owner associations and/or the property they maintain shall not be considered, however, as country clubs, nor shall other residential or commercial properties operated for profit.

County - The County of Monroe, Commonwealth of Pennsylvania.

County Planning Commission - The Planning Commission of Monroe County, Pennsylvania

Coverage, Lot - See *lot coverage*.

Crawl Space - An enclosed portion of a building or an open pier area not exceeding six feet in height from floor to ceiling, located below the first occupied floor of a building and not used for business or dwelling purposes. A crawl space shall not be counted as a story for the purpose of building height measurement or determining the gross floor area of a building.

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

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

Crusher Plant - An operation which processes minerals or other materials and crushes them to various sizes for the purpose of resale or use. Considered *industry* for regulation by this Ordinance.

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

Curative Amendment, Landowner - A process provided in the PA. Municipalities Planning Code that permit a landowner to seek to prove the invalidity of portions of a Zoning Ordinance.

Curative Amendment, Municipal - A process provided in the PA. Municipalities Planning Code that permit a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

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

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

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

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

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

Detached Building - See *building, detached*.

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

Developer - Any landowner or agent thereof, or tenant or equitable owner under an agreement of sale having the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.

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

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

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

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

DEP – Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

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 land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

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

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

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

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

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

Dump - See *solid waste landfill*.

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

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

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

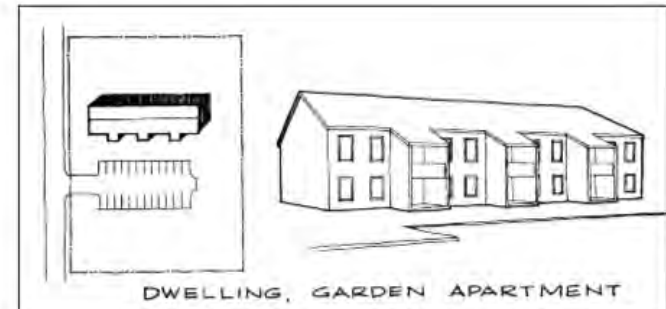
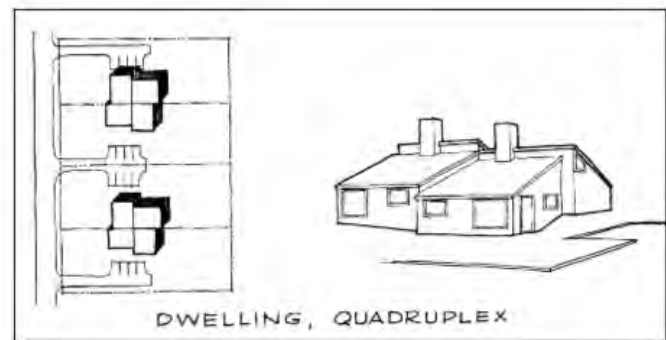
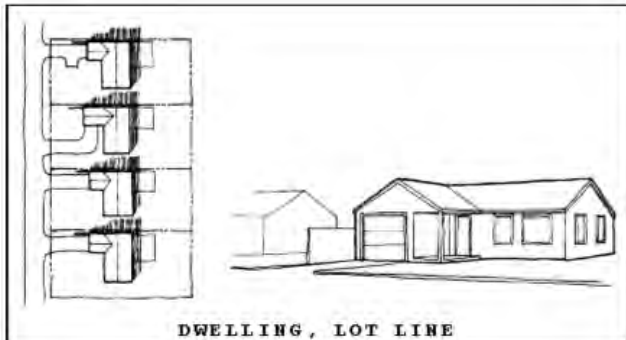
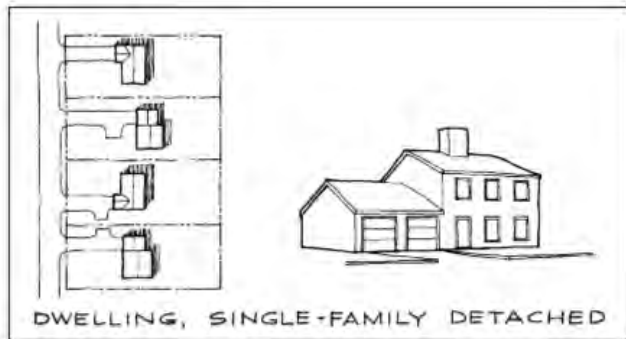
- A. Single-family Attached/Townhouse - A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire resistant walls.
- B. Garden Apartment Building - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- C. Apartment Building - A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of this Ordinance.
- D. Residential Conversion to Apartment - The conversion of an existing single family detached dwelling into three to five dwelling units.

Dwelling, Quadraplex - Four (4) attached single-family dwellings in one (1) building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units.

Dwelling, Single-Family Detached - A building containing one (1) 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 through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

Dwelling Unit - One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.



Earth Disturbance Activity - Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

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. Considered a *semi-public building or use* for regulation by this Ordinance.

Employee - A worker or proprietor (including both part-time and full-time, both compensated and volunteer, and both employee and contractor) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Encroachment - Construction of any building , structure or any obstruction or illegal or unauthorized intrusion within the boundaries of any adjacent land, right-of-way street, setback, watercourse or public or reserved

ground shown or laid out on any official map, Township approved plot plan or in violation of any provision of set forth in this Ordinance.

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

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

Essential Services - Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, 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, any commercial communications devices and any other use specifically defined by this Ordinance shall not be considered essential services. For essential services requiring enclosure in a building see *semi-public building or use*.

Exercise Club - An establishment that offers facilities such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts. Considered a *service establishment* for regulation by this Ordinance.

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

- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children related to either of them;
- D. Not more than the number of residents of a *group home* meeting the requirements of §605.9.
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (*a functional family*) pursuant to §609.

The definition of a *family* does not include:

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

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

Farmer's Market - The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard

products, and similar non-animal agricultural products, occurring in a 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.

Fence or Wall - Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or to be used as a means of protection or confinement; also, a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property. The term *wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *fence* and *wall* do not include hedges, trees or shrubs.

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

Flea Market, Outdoor - Any sales activity conducted in the open air or under any pavilion or other building, tent or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Financial Institution – See *bank*.

Firewood Cutting 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.

Flood (and related definitions) – See the Eldred Township Floodplain Management Ordinance, as amended.

Floor Area, Gross - The sum of the total horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six (6) feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breeze ways.

Floor Area, Habitable - That portion of the gross floor area within a building having a distance between floor and ceiling of at least seven (7) feet for residential structures and at least seven and one-half (7.5) feet for nonresidential structures, and not including garage or accessory building space.

Floor Area, Net - The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.

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 currently enrolled and their guests or visitors and affiliated with an institution of higher learning.

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

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

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

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

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

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

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

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

Garage Sale - See *yard sale*.

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

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

Glare - A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus.

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

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

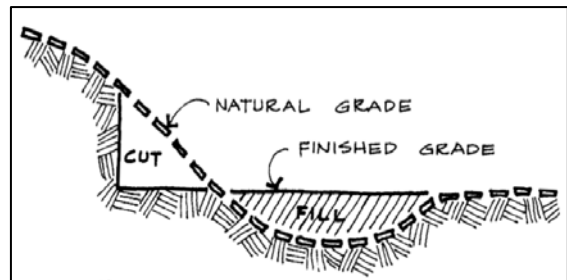
Golf Driving Range - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreation facility, commercial* for regulation by this Ordinance.

Governing Body - The Board of Supervisors of Eldred Township.

Grade - The average finished ground elevation adjoining a building.

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

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



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

Green Box Transfer Station/Recycling Facility - A facility meeting applicable DEP requirements which is operated by a municipality or a property owners association (see definition) where municipal waste and recyclables are collected for transport to another site for disposal or processing.

Greenhouse, Commercial - A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

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

Gross Floor Area – See *floor area, gross*.

Gross Tract Area – See *tract area, gross*.

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

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

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

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

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

Hazardous Substances - A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. *Hazardous substances* as defined pursuant to §311 of the Federal Clean Water Act, or its successor provisions.
- B. *Hazardous substances* as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely - Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions.

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

Hearing - An administrative proceeding conducted by the Planning Commission, Board of Supervisors, or Zoning Hearing Board pursuant the requirements of this Ordinance.

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 fifteen (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 general public.

Home Occupation - The use of a portion of a dwelling unit, such as an office, studio or workroom, for a commercial occupation at home by persons residing in the dwelling unit.

Homeowners Association - See *property owners association*.

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

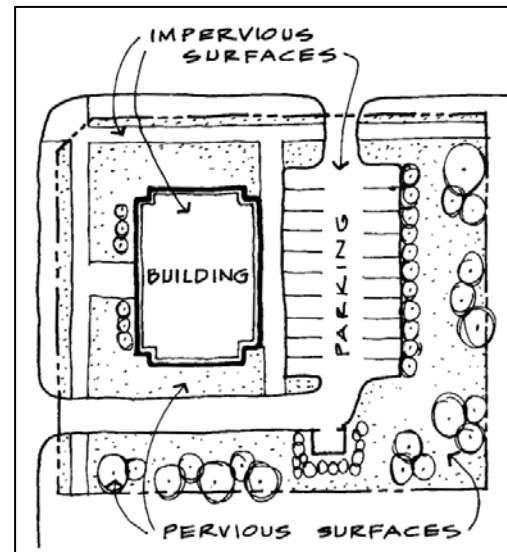
Horse - Any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, mules and donkeys.

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

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

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

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



Improvements - See *development improvements*.

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

Industry - Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the manufacturing or transformation of products for use by other manufacturers, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, mineral processing, and any facility involving processes resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes.

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

- A. Scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; bones, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used, or parts of machinery, vehicles, tools, appliances, furniture, plumbing, heating and other fixtures, and pipe and pipe fittings;
- B. Used lumber, boxes, crates and pallets;
- C. Used tires;
- D. Other worn, deteriorated, or obsolete manufactured goods which are unusable;
- E. Mobile/manufactured homes that are not in habitable condition; and,
- F. Abandoned or junked vehicles.

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Agricultural vehicles and implements such as tractors, mowers, etc., for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
- C. Construction and 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. The following shall also be considered junk yards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles if not screened. (See definition of *screened*.)

- B. The outside storage or deposit on a lot of five (5) or more abandoned or junked vehicles if screened. (See definition of *screened*.)
- C. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

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. Any veterinary clinic with outdoor animal runs.
- D. The noncommercial keeping of four (4) or more dogs that are more than six (6) months of age.

Lake or Pond – A natural or artificial body of water one-fourth (0.25) acre or larger which retains water year-round. Artificial ponds may be created by dams, or result from excavation.

Land Development - Any of the following activities:

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

have been approved by the Township.

Landfill - See *solid waste facility*.

Landowner -The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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 (regardless of diverse lotting, use or tenancy) combine to total 20,000 square feet or more of gross floor area, used for conference centers; gaming establishments; hotels; motels; recreation facilities, commercial; restaurants; retail businesses; service establishments; taverns; theaters; or similar patron-based uses; but not including camps/retreats, country clubs, and resorts.

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, long term*.

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

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

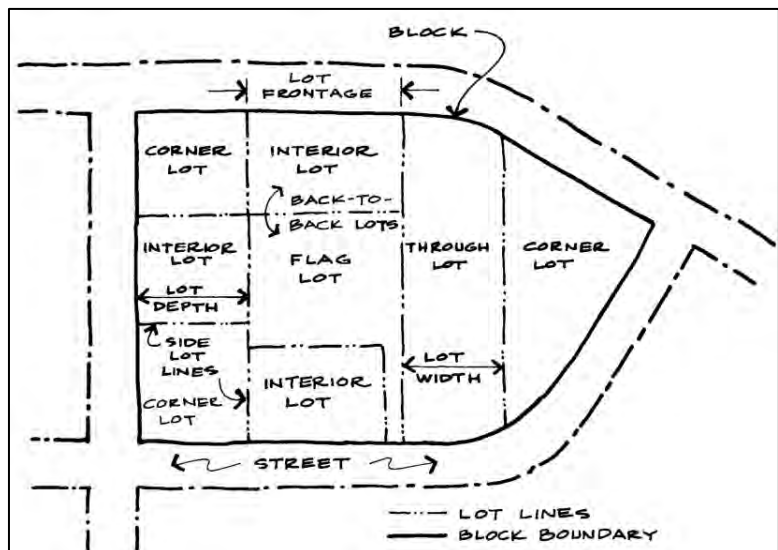
Lot, Existing of Record - Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance. (See *parent tract*.)

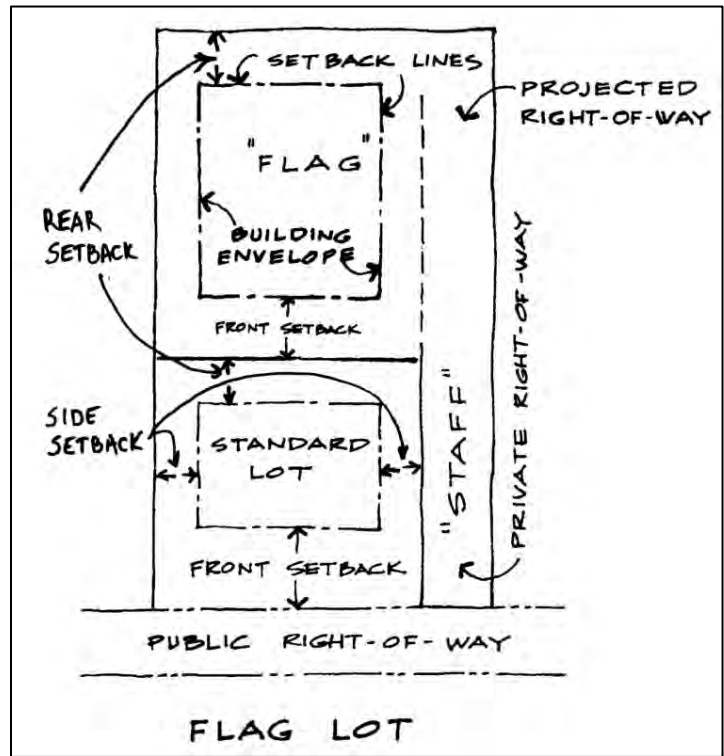
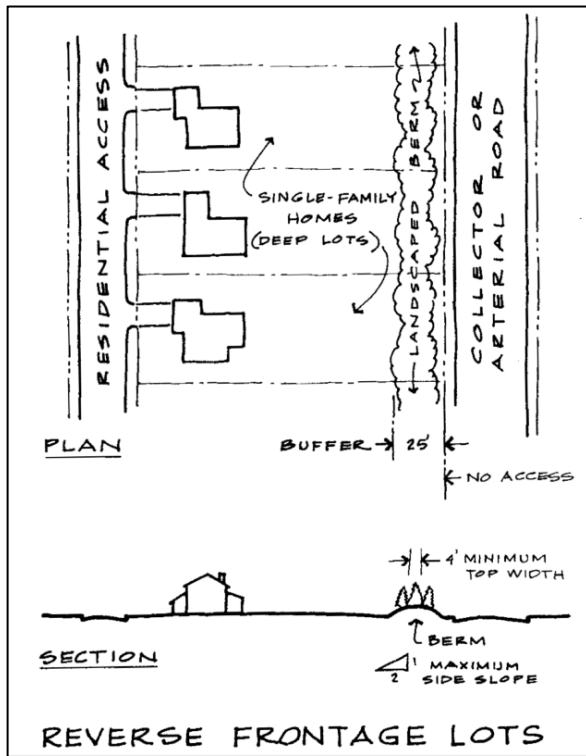
Lot, Flag - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

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

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

Lot, Through - A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.





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

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

- A. Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
- B. Private Streets: multiply the acreage of land under existing private streets by 1.0.
- C. Wetlands: multiply the acreage of designated wetlands by 0.95.
- D. Floodway: multiply the acreage within the floodway by 1.0.
- E. Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.5.
- F. Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.

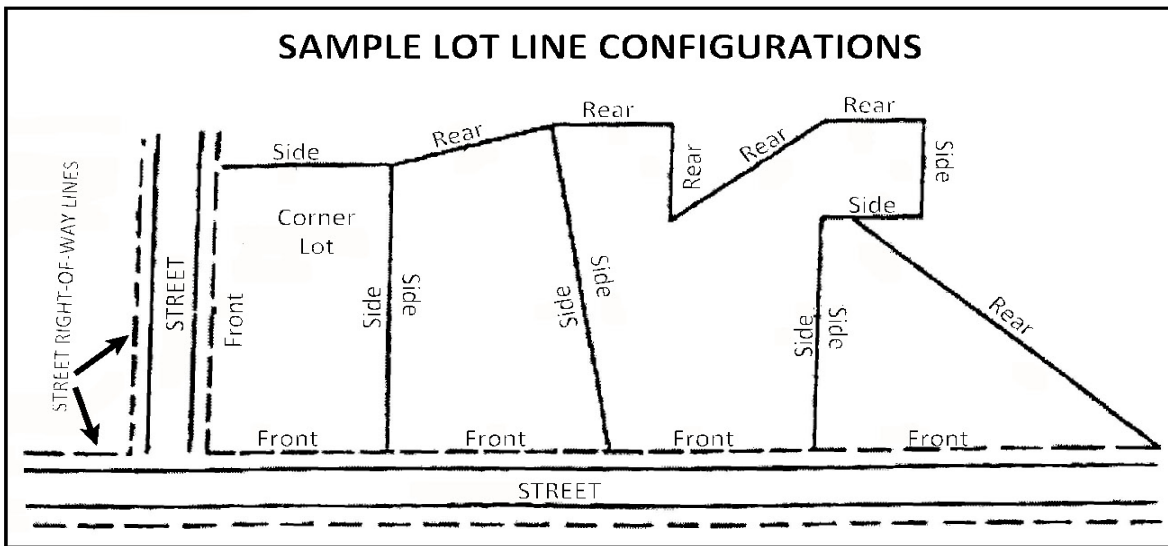
If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the adjusted tract acreage.

Lot Coverage - That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot, regardless of the municipal boundary, shall be used for the purpose of determining compliance with the permitted lot coverage.

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

Lot Lines - The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line is considered to be the existing street right-of-way line or that will exist at the time of completion of a subdivision or development.

- A. Lot Line, Front - The lot line(s) separating the lot from any street.
- B. Lot Line, Rear - The lot line(s) most distant from and most parallel to the front lot line.
- C. Lot Line, Side - Any lot line other than a front or rear lot line.



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

Lumbering – See *forestry*.

Lumberyard - An area with or without structures used for the storage, distribution or sale of finished or rough-cut lumber and lumber products.

Manufacturing, Light - Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incident storage of hazardous materials or the generation of

hazardous waste products, or other environmentally hazardous processes. Light manufacturing includes, but is not limited to:

- A. 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.
- B. Research, engineering or testing laboratories.
- C. Textile and clothing manufacturing.
- D. Furniture or other wood products production.

Light manufacturing does not include:

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

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

Massage Facility, Therapeutic - A service establishment that 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*.

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

Meeting, Assembly, or Banquet Halls - A structure designed for an assemblage of persons including fraternal organizations, banquet facilities within eating and drinking establishments, catering facilities, and areas located within the grounds of churches to service gatherings such as weddings, parties etc.

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

Micro-Brewery - A facility for the production, packaging and sampling of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than

fifteen thousand (15,000) gallons of malt beverages per year.

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

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

- A. The salvage removal of already quarried stone from existing quarries where no additional blasting, ripping or other mechanical operations are required.
- B. The extraction of minerals by a landowner for the landowner's noncommercial use from land owned or leased by the landowner.
- C. The extraction of sand, gravel, rock, stone, earth or fill from borrow pits for public road construction undertaken by a public entity or the extraction of minerals associated with a public construction contract.
- D. The handling, processing or storage of slag on the premises of a manufacturer as a part of the manufacturing process.
- E. The extraction, handling, processing or storing of minerals from a building construction excavation on the site of the construction if the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals. The minerals removed are incidental if the excavator demonstrates that:
 1. Extraction, handling, processing or storing are conducted concurrently with construction.
 2. The area mined is limited to the area necessary to construction.
 3. The construction is reasonably related to the use proposed for the site.

Mineral Processing - The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to,, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. This shall not include activities typically part of a *pipeline compressor station, metering station or operation/maintenance facility*. *Mineral processing* is considered *industry* for the purposes of regulation by this Ordinance.

Mini-Mart - See *convenience store*.

Mobile Home - A transportable, single family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations.

Mobile Home Lot - A parcel of land in a mobile home park which is leased by the park owner to the occupants of the mobile home erected on the lot and which is improved with the necessary utility connections and other

appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

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

Motel - A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least twenty-five (25) percent of the rooms having direct access to the outside. Rooms in the facility shall not be used as a principal residence, except for an employee (i.e. caretaker).

Municipalities Planning Code (MPC) or State Planning Code - The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

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

Municipality – Eldred Township, Monroe County, Pennsylvania.

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

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

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 twenty-five (25) percent of the habitable floor area.
- H. The business shall not involve any illegal activity.

Nonconforming: See §902.

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

Nursing Home - See *personal care home*.

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

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.

Office - A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

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

Official Zoning Map- The Official Zoning Map of Eldred Township, Monroe County, Pennsylvania.

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

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

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

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

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

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

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

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

PA - The Commonwealth of Pennsylvania.

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

PA DOT or PennDOT - The Pennsylvania Department of Transportation.

Parcel - See *lot*.

Parent Tract - Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance and from which a lot or lots have been subdivided or are proposed for subdivision. (*See lot, existing of record.*)

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 dedicated street right-of-way.

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

Patio - An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be

constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

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

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

- A. Zoning Permit - Indicates that a proposed use, building or structure as documented in the development application will comply with the requirements of this Ordinance. Issued by the Zoning Officer for principal permitted uses, accessory uses and signs following confirmation of compliance with applicable standards, for conditional uses following approval by the Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board.
- B. Building Permit or Construction Permit - Issued by the Building Code Official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Township 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 facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully-skilled nursing care of three (3) or more persons needing such care because of old age or a physical illness or disability or a developmental disability.

Personal Service – See *service establishment*

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

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.

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

Planning Commission - The Planning Commission of Eldred Township, Monroe County, Pennsylvania.

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

Pond or Lake - A natural or artificial body of water one-fourth (0.25) acre or larger which retains water year-round. Artificial ponds may be created by dams, or result from excavation.

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

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

Primary Resources - See *resources, primary*.

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

Principal Building - A 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 particular zoning district which may be approved by the Zoning Officer provided the application complies with all requirements of this Ordinance.

Principal Structure - The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

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

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

Property Owners Association - A non-profit corporation organized by the developer or home owners for the purpose of 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 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 or the Board of

Supervisors, intended to inform and obtain public comment, prior to taking action in accord with Pennsylvania Municipalities Planning Code.

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

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

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

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

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

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

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

Recreation Facility, Public - Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government. See *public buildings and uses*.

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

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

Recycling Facility - A facility employing a technology that is a process that separates or classifies municipal waste (as defined by PA Code Title 25, §271.1) and creates or recovers re-useable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include *solid waste facilities, a resource recovery facility, or a green box transfer station/recycling facility* as defined herein, or an accessory drop-off point or collection center for recycling.

Regional Comprehensive Plan - See *comprehensive plan*.

Regional Planning Committee - The committee established by intergovernmental agreement in accord with the adopted regional comprehensive plan.

Regional Use: A specific land use which is permitted within the Planning Region consistent with the Comprehensive Plan and specifically identified in §400.

Related or Relative: Persons who are related by blood, marriage, adoption of formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. It shall not include relationships such as second, third or fourth cousins.

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

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

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

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

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

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.

Resources, Primary - Natural features consisting of 100-year floodplain (including the floodway), wetlands and prohibitive steep slopes (greater than 25 percent). In conservation subdivisions, all conserved lands containing primary resources are called primary conservation areas.

Resources, Secondary - Natural or cultural features outside primary conservation areas that are worthy of conservation by inclusion in conservation open space. See the prioritized list of such features in the Subdivision and Land Development Ordinance. Lands containing secondary resources that are conserved are called secondary conservation areas.

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

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

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

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

Retail Business/Large Scale Development - An individual freestanding building or multiple building development in which the combined total of all structures and outdoor sales areas within the development (regardless of diverse lotting, use or tenancy) combine to total 20,000 square feet or more of gross floor area, used for the purpose of retail sales or commercial services.

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

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

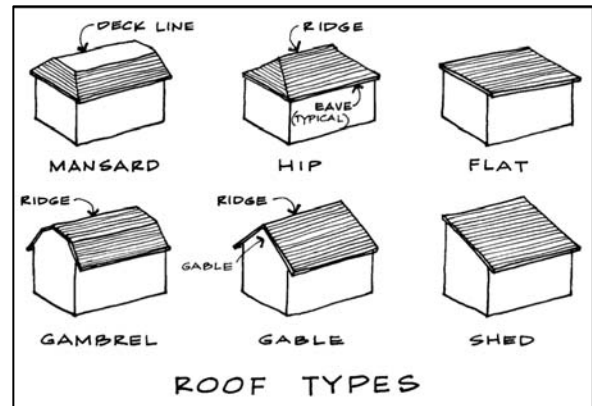
Retirement Community - A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health, disability or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least 55 years of age or be the surviving spouse of a deceased resident who was at least 55 years of age. In addition, the care of persons with disabilities shall be permitted in assisted living facilities.

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.

Rooming House - See *boarding house*.

Sample Home - An unoccupied single-family dwelling associated with a principal permitted commercial use and not intended for permanent occupancy, and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller. (See also *model home*.) The display and sale of such homes is considered a *retail business* for regulation by this Ordinance.



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

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. Considered *agriculture products processing* for regulation by this Ordinance.

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.

Secondary Resources - See *resources, secondary*.

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

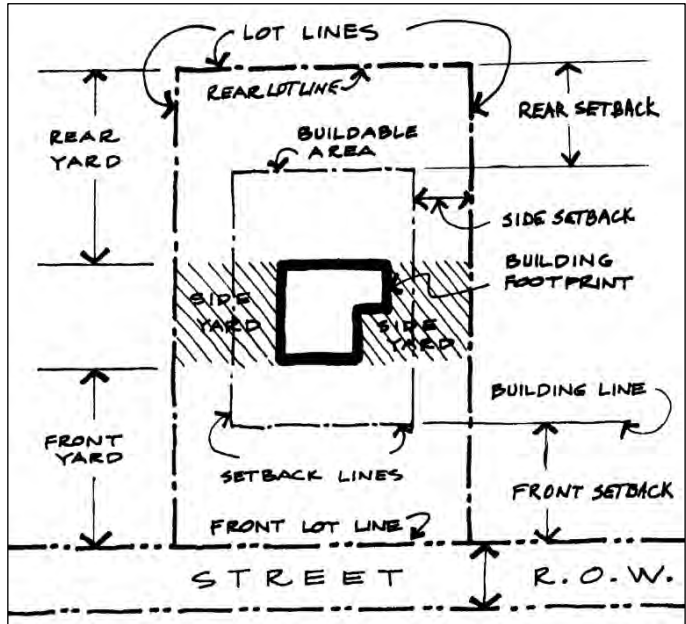
Semi-Public Building or Use - A building or use operated by nonprofit, community-based organizations for the general use of Township residents, including emergency services buildings, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It 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, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

Setback, Front - The required minimum open space 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, 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 Chapter. See also *yard* and *lot line*. (See illustration on the next page.)

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*.



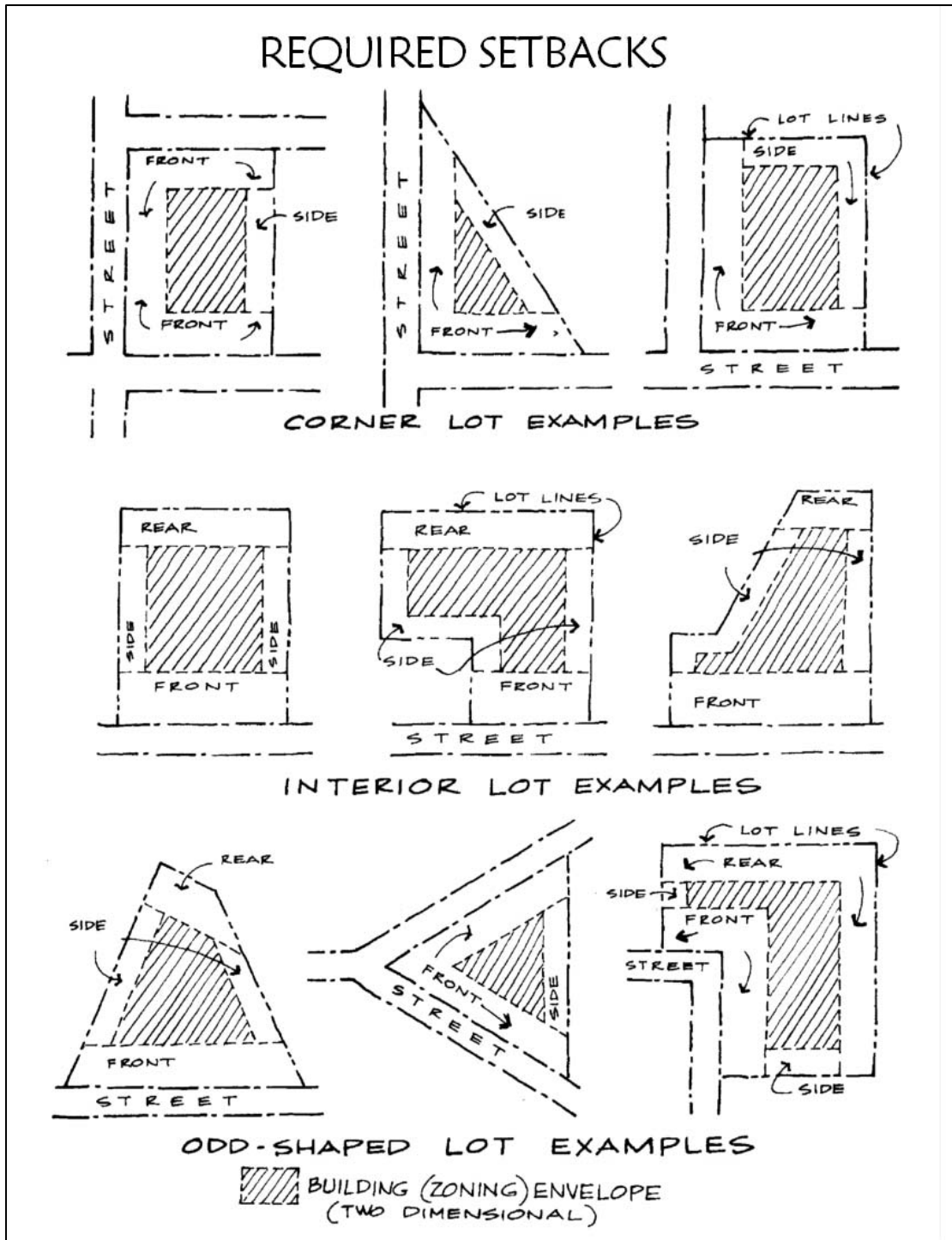
Setback, Side - A required open space extending from the front setback to the rear setback between the principal structure(s), accessory structures, or other improvements and the side lot line. See also *yard* and *lot line*.

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

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

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

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



Shopping Center or Mall - A group of independent (i.e., not dependent on each other for operation) commercial establishments 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.

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

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

Shooting Range, Outdoor Commercial - Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

Sign Area - See Article XI.

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

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

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

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

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

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

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

Solid Waste - Waste, including, but not limited to, municipal, residual, construction/demolition or hazardous wastes (as defined by PA Code, Title 25, §271.1) including solid, liquid, semisolid or contained gaseous materials.

Solid Waste Facility - Any facility or operation, other than a landfill, involving the management, processing and/or disposal of solid waste including, but not limited to, transfer facilities and incinerators. The term does not include a *composting facility* or a *recycling facility* as defined herein, or an accessory drop-off point or collection center for recycling.

Solid Waste Landfill - A facility using land for disposing of solid waste. The facility includes land affected during

the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and 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. The term does not include a facility for the land application of sewage sludge.

Solid Waste Transfer Facility - A 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. The term does not include a *composting facility*, a *green box transfer station/recycling facility*, a *recycling facility*, or a *resource recovery facility* as defined herein, or an accessory drop-off point or collection center for recycling.

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

Sound Level, Equivalent - The level of a constant sound which, over a given time interval and situation, has the same sound energy as a time-varying sound.

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

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

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

State - The Commonwealth of Pennsylvania and its agencies.

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

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

Stream - A natural watercourse. See *watercourse*.

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

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

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

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

Structural Alteration - See *alteration*.

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

Subdivision Ordinance or Subdivision and Land Development Ordinance – The Eldred Township Subdivision and Land Development, as amended.

Supervisors - The Board of Supervisors of Eldred Township.

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

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

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

Tavern - A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur. Considered a *restaurant* for regulation by this Ordinance.

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

Theater - A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use where patrons are seated in the building, but not including an *adult movie theater*.

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

Township - The Township of Eldred, Monroe County, Pennsylvania.

Township Buildings and Uses - Any building, structure, service or use under the jurisdiction of Eldred Township, Monroe County, Pennsylvania.

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

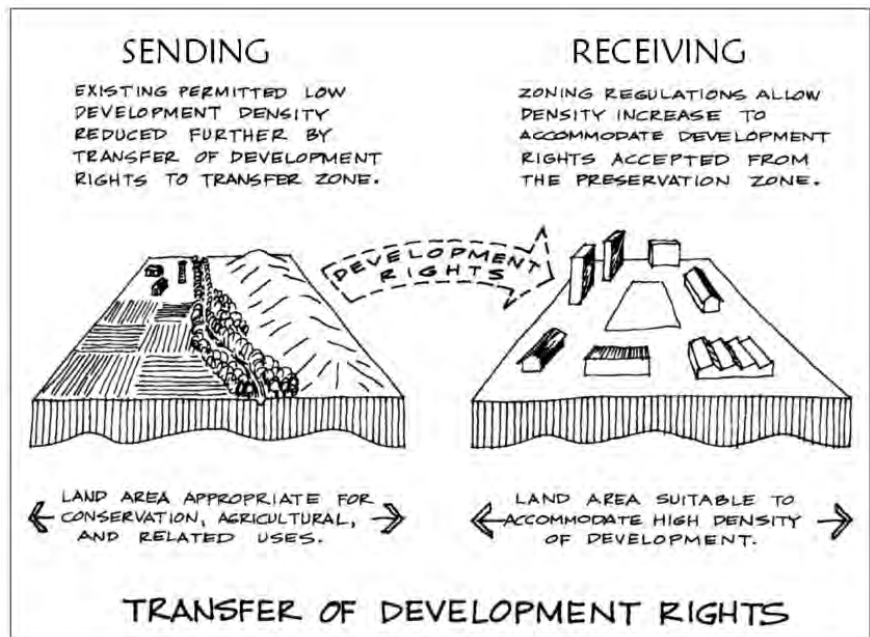
Tract - See *lot*.

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

Tract Area, Gross - The total amount of land contained within the limits of the legally described property lines bounding the tract.

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

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



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

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

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

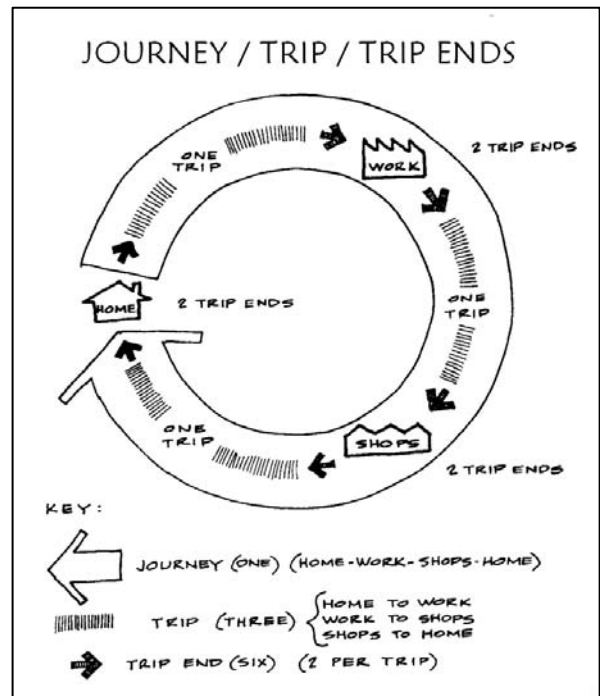
Trip Ends - The total of single or one-direction vehicle movements entering and leaving a specified land use or site over a designated period of time.

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

Truck Stop - See *travel plaza*.

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

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



Unregistered Vehicle - Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid state safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which state regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously. See also *abandoned or junk vehicle*.

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

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

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

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

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

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

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

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

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

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

Wall - See *fence or wall*.

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

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

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

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

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

Water Supply, 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.

Water Withdrawal Facility - A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water

storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to another site.

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

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which 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, Commercial - 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, commercial*.

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

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

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.

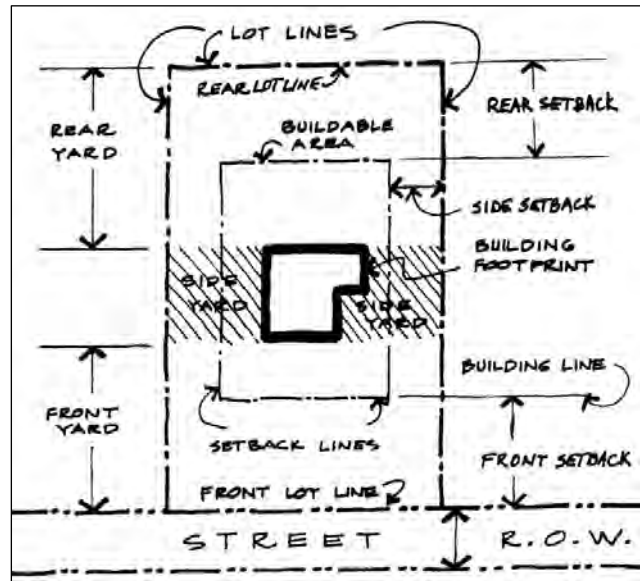
Winery, Farm - An establishment located on a farm with a producing vineyard, orchard, or similar growing area and producing wine on the premises from grapes or other fruit grown primarily on the premises. It may include tasting of wine produced on the premises and retail sales of wine related items and gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements.

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 vacant property or on the lawn, yard, porch, patio or in the garage or residence, or in the principal or outbuilding, 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 Hearing Board - The Zoning Hearing Board of Eldred Township.

Zoning Map - The Official Zoning Map of Eldred Township.

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

Zoning Ordinance - The Township Zoning Ordinance, as amended.

Zoning Permit - See *permit*.

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

**ARTICLE IV
DISTRICT REGULATIONS**

400 Intermunicipal Cooperation

400.1 Regional Comprehensive Plan

This Zoning Ordinance is enacted in accord with an intergovernmental cooperation agreement adopted by Eldred Township and other participating municipalities, herein referred to as the Planning Region, to implement the Regional Comprehensive Plan. The adopted Regional Comprehensive Plan includes a Future Land Use Map which identifies *what future land uses would be most appropriate throughout the region and at what density. Future Land Use recommendations are based on a variety of factors: The patterns of development and existing conditions within the municipalities; the anticipated path of future growth in the region; existing environmental conditions and natural resources; capacity of public facilities and infrastructure; and goals of the Monroe County Comprehensive Plan.*

400.2 Regional Approach

The zoning ordinances and zoning maps adopted by the participating municipalities provide for a variety of housing types and densities and accommodate all categories of land uses within the Planning Region, and are consistent with the Regional Comprehensive Plan.

400.3 Pennsylvania Municipalities Planning Code

This Regional Approach complies with §916.1, §1006-A(b.1) and §1105 of the Pennsylvania Municipalities Planning Code. §1006-A(b.1) states: *Where municipalities have adopted a multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administrating zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the court shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.*

400.4 Regional Uses

The uses listed in the Regional Uses Table are available within the Planning Region as provided by the Pennsylvania Municipalities Planning Code.

REGIONAL USES					
Land Use	Zoning Districts Allowed				
	Chestnuthill	Jackson	Eldred	Ross	Polk
Adult Business	not permitted	I	not permitted	not permitted	not permitted
Agriculture Products Processing	not permitted	I	not permitted	not permitted	I
Animal Shelters	not permitted	not permitted	not permitted	GC	C
Bulk Fuel Storage Facility	not permitted	I	I	not permitted	I
Concentrated Animal Feeding Operation	not permitted	not permitted	not permitted	RR	RR
Correctional Facility	not permitted	not permitted	not permitted	GC	not permitted
Distribution Center/Truck Terminal	not permitted	I	not permitted	GC	not permitted
Flea Market, Outdoor	VC, GC	not permitted	not permitted	GC	C
Industrial Wastewater Treatment Facility	not permitted	I	not permitted	not permitted	not permitted

REGIONAL USES					
Land Use	Zoning Districts Allowed				
	Chestnuthill	Jackson	Eldred	Ross	Polk
Industry	not permitted	I	I	not permitted	I
Junk Yard	not permitted	not permitted	not permitted	RR	not permitted
Kennel	not permitted	not permitted	RR	not permitted	C
Mineral Processing	not permitted	I	I	not permitted	not permitted
Mobile Home Park	R-3	not permitted	not permitted	R-2	R-2
Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities	LIC, GI	I	not permitted	GC	not permitted
Power Plant	not permitted	I	not permitted	not permitted	not permitted
Race Track	not permitted	not permitted	RR	GC	not permitted
Recycling Facility	GI	I	I	not permitted	not permitted
Resource Recovery Facility	not permitted	I	not permitted	not permitted	not permitted
Retail/Commercial Development, Large-Scale	VC, GC, LIC	C	C	GC	C
Shooting Range, Outdoor Commercial	RR	not permitted	not permitted	RR	not permitted
Solid Waste Landfill	not permitted	not permitted	not permitted	RR	not permitted
Solid Waste Facility	not permitted	I	not permitted	not permitted	not permitted
Travel Plaza	not permitted	C	not permitted	GC	not permitted
Wind Energy Facility, Commercial	not permitted	not permitted	RR	RR	not permitted
Zoo or Menagerie	not permitted	RC	not permitted	not permitted	not permitted

Chestnuthill Township

- RR - Rural Residential
- R-3 - Medium High Density Residential
- VC - Village Commercial/Residential
- GC - General Commercial
- GI - General Industrial
- LIC - Light Industrial/Commercial

Eldred Township

- RR - Rural Resource
 - C - Commercial
 - I - Industrial
- Jackson Township**
- RC - Recreation Commercial
 - C - Commercial
 - I - Industrial

Ross Township

- RR - Rural Residential
- R-2 - Medium Density Residential
- GC - General Commercial

Polk Township

- RR - Rural Residential
- R-1 - Rural Residential
- R-2 - Rural/Village Residential
- R-3 - Village Center District
- C - Commercial District
- I - Industrial District

400.5 Developments of Regional Significance

All subdivisions and/or land developments, classified by intergovernmental agreement as having regional significance, shall be brought before the Regional Planning Committee for review and comment. A development of regional significance shall be defined per §107 of the PA MPC as *any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality*. Determination of regional significance in the planning region shall be based on the following guidelines:

Type of Development	Threshold
Adult business	New facility or expansion of use of existing facility by 50% or more; and located within one-half mile of a jurisdictional boundary.
Airports and heliports	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length or within one-half mile of a jurisdictional boundary.
Commercial (including retail, mixed-commercial and office centers) not classified below	Greater than 150,000 square feet; or 75,000 square feet if within one-half mile of a jurisdictional boundary.
Concentrated animal feeding operations (CAFO)	New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary.
Fuel storage facilities	Storage capacity greater than 75,000 gallons if within 1,000 feet of any water supply; otherwise, storage capacity greater than 150,000 gallons; and located within one-half mile of a jurisdictional boundary.
Gambling/betting facilities	New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary.
Hospitals and other major medical centers	New facility or expansion of use of an existing facility by 50% or more and within one-half mile of a jurisdictional boundary.
Housing	Housing developments (single-family, two-family or multi-family) if in excess of 50 or more dwelling units, or resulting in the development of 25 dwelling units or more and within 1,000 feet of the Township boundary line.
Industrial facilities	New facility or expansion of use of an existing facility by 50% or more or within one-half mile of a jurisdictional boundary.
Intermodal terminals (Intermodal - A facility or system that transfers people, goods, or information between two or more transport modes or networks between an origin and destination.)	New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary.
Kennels	New facility or expansion of existing facility by more than 50% and within one-half mile of a jurisdictional boundary.
Mineral extraction or mineral processing	New facility or expansion of existing facility by more than 50 percent; and located within one-half mile of a jurisdictional boundary.
Lodging facilities	Greater than 150 rooms and within one-half mile of a jurisdictional boundary.
Mixed residential and non-residential uses	Greater than 150,000 square feet; or 75,000 square feet if within one-half mile of a jurisdictional boundary.
Infrastructure projects	Infrastructure projects within one-half mile of adjoining municipal boundaries. Projects outside one-half mile may be reviewed on a discretionary basis as desired by the host municipality.
Schools/colleges	New facility with a capacity of more than 750 students, or expansion by at least 25% of capacity and within one-half mile of a jurisdictional boundary.
Solid waste facilities	New facility or expansion of use of an existing facility by 50 percent or more.
Sports complexes, attractions and regional recreational facilities	New facility or expansion of use of an existing facility by 50 percent or more; or located within one-half mile of a jurisdictional boundary.
Truck terminals	A new facility with more than 3 diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces; and within one-half mile of a jurisdictional boundary.

Type of Development	Threshold
Wastewater treatment facilities	New facility or expansion of existing facility by more than 50 percent; and located within one mile of a jurisdictional boundary.
Water supply (quantity or quality) intakes/reservoirs	New facilities or expansion of use by 50 percent or more and within one-half mile of a jurisdictional boundary.
Wholesale or distribution facilities	Greater than 100,000 square feet or expansion of an existing use by 50 percent or more and within one-half mile of a jurisdictional boundary.
Any other land development types not identified above (includes parking facilities)	Generate new vehicle trips in excess of 1,000 average daily trips (ADT) or has the potential to generate adverse environmental or human impacts, stormwater runoff, wastewater collection or treatment and within one-half mile of a jurisdictional boundary.

The Regional Planning Committee shall have the right to review developments of regional significance to determine general consistency with the Regional Comprehensive Plan. No development of regional significance, as defined by the criteria above, may be recommended for approval by the Regional Planning Committee that is inconsistent with the Regional Comprehensive Plan. However, nothing in this section usurps the power of the Board of Supervisors of each respective member-Township regarding subdivision or land development plan approval.

401 Designation of Districts

401.1 Designation

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

- RR Rural Resource District
- AR Agricultural / Residential District
- R Residential District
- C Commercial District
- I Industrial District

401.2 Intent

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

401.3 Floodplain Overlay District

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

401.4 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 Zoning Ordinance, the requirements of §601 shall apply.

401.5 Appalachian Trail Overlay District

The Appalachian Trail Overlay District is hereby created to be defined by the area within one thousand (1,000) feet on each side of the centerline of the Appalachian Trail as it is designated by the Appalachian Trail Conference. The intent of the District is to provide a buffer from incompatible uses along the Trail while recognizing that the Trail

crosses private lands where reasonable uses must be permitted. In addition to all other applicable standards of this Zoning Ordinance, the following requirements shall apply:

- A. Buffer - Structures shall be prohibited within one hundred (100) feet of the Trail corridor owned by the National Park Service. Any structure permitted by variance within the buffer shall be screened in accord with §701.1. (See definition of *screened*.)
- B. Existing Vegetation - Vegetation in the buffer shall not be disturbed except for maintenance purposes, the correction of hazardous conditions or the removal of invasive species, or as otherwise approved by the Township as part of a landscape or open space plan. Trees may be harvested to the extent that the basal area of trees in the buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.
- C. Conditional Use - With the exception of forestry enterprises, any nonresidential use which is not otherwise classified as a conditional use, special exception or accessory use, and which is located within one thousand (1,000) feet of the centerline of the Trail, shall be considered a conditional use. All such uses shall be considered in terms of effects on the Trail and the Board of Supervisors shall attach such conditions deemed reasonable and necessary to afford protection to the trail.

401.6 Wellhead Protection Overlay District

The Wellhead Protection Overlay District is hereby created to provide protection for any public water supply well regulated under the Safe Drinking Water Act, whether such well was in existence prior to the adoption of this Ordinance or is developed thereafter. In addition to all other applicable standards of this Zoning Ordinance, the wellhead regulations in §707 shall apply in the Wellhead Protection Overlay District.

402 Official Zoning Map

- A. Adoption - The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Eldred 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 MPC.
- 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 Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

403 District Boundaries

403.1 Establishment

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

403.2 Interpretation

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

403.3 Uncertainty

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

404 District Regulations

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

404.1 Use Regulations

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

A. Limitations

1. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. In other words, any use not allowed as a principal permitted use, accessory use, conditional use or special exception, or allowed by the Zoning Hearing Board in accord with §404.2 within a particular zoning district, shall be deemed to be prohibited within that zoning district.
2. If a use which could be included in a more general use is listed as a separate use in any District Schedule of Uses, such use shall be permitted only in the district where it is specifically listed.
3. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provisions of this Ordinance.

B. Principal Permitted Uses and Accessory Uses - Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.

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

404.2 Uses Not Specified in Schedule of Uses

This §404.2 addresses, by special exception, a proposed use which is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and which is not permitted in a zoning district in another participating municipality by intermunicipal agreement in accord with §400 of this Ordinance.

- A. 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.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
 - 1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 - 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 - 3. The use is not permitted in any other zoning district in the Planning Area.
 - 4. The use where proposed would be consistent with the Regional Comprehensive Plan.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission and the Regional Planning Committee for review and recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until thirty (30) days have passed from the time the application was referred to the Township Planning Commission and the Regional Planning Committee .
- D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

404.3 Development Standards

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

RR - RURAL RESOURCE DISTRICT -- SCHEDULE OF USES

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

<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Agricultural products processing only for products raised on the premises - Agritourism - Animal husbandry - Bed and breakfast inns - Camps/retreats - Conservation design subdivisions 	<ul style="list-style-type: none"> - Crop production - Development sales offices - Forestry - Group homes - Greenhouses, commercial - Hunting/fishing clubs or camps - Retail sales of agricultural/forestry products produced and/or processed on the premises 	<ul style="list-style-type: none"> - Retail sales up to 5,000 sq. ft. of agricultural/forestry related products with an active agriculture/forestry use - Single-family detached dwellings - Township buildings and uses - Wineries, farm
<p>ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services* - Farm stands - Garages, private 	<ul style="list-style-type: none"> - Gazebos* - Greenhouses, private - Home gardens and home nurseries* - No impact home-based businesses - Parking areas accessory to approved uses - Patios - Pets, keeping of* - Porches - Private garages, carports, sheds 	<ul style="list-style-type: none"> - Satellite dish antennae or satellite antennas* - Signs accessory to approved uses - Solar collectors - Stables, private in association with a single-family detached dwelling - Swimming pools - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sales * <p>*Permits not required</p>
<p>SPECIAL EXCEPTIONS (Planning Commission/ZHB)</p> <ul style="list-style-type: none"> - Art studios - Bus shelters - Cemeteries - Colleges - Contractor’s yards - Country clubs - Dormitories - Day care centers - Emergency services stations - Farmers markets 	<ul style="list-style-type: none"> - Fraternity or sorority houses - Golf courses - Group homes, institutional - Home based businesses - Home occupations (See §503 for accessory use home occupations.) - Kennels - Places of worship - Public and semi-public buildings and uses - Public parks and playgrounds - Recreational facilities, public 	<ul style="list-style-type: none"> - Religious quarters - Resorts - Schools, public or private primary or secondary - Shooting preserves - Stables, commercial - Storage yards for forest products and minerals - Trade schools - Veterinary clinics - Veterinary clinics, outdoor facilities - Wind energy facilities, commercial
<p>CONDITIONAL USES (Planning Commission/Supervisors)</p> <ul style="list-style-type: none"> - Amusement parks - Archery ranges, outdoor - Commercial communication device sites 	<ul style="list-style-type: none"> - Composting facilities - Mineral extraction - Mineral extraction, minor - Race tracks 	<ul style="list-style-type: none"> - Sawmills - Solar power generation, commercial - Zoos and menageries

NOTE: Uses not specifically listed by this schedule shall not be permitted in the RR District except as approved in accord with §404.2.

AR - AGRICULTURAL/ RESIDENTIAL DISTRICT -- SCHEDULE OF USES

INTENT: To permit, protect and encourage the continued use of land for agriculture and forestry enterprises, while concurrently allowing lower density residential development, limited recreational uses and certain institutional uses. A number of other limited non-agricultural uses are permitted to enable the owners of large parcels of land to realize reasonable income from their property, thereby forestalling its sale for development.

<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Agricultural products processing only for products raised on the premises, 5,000 sq ft or less of gross floor area - Agritourism - Animal husbandry - Camps/retreats - Conservation design subdivisions 	<ul style="list-style-type: none"> - Crop production - Development sales offices - Forestry - Greenhouses, commercial - Group homes - Hunting/fishing clubs or camps - Retail sales of agricultural/forestry products produced and/or processed on the premises 	<ul style="list-style-type: none"> - Retail sales up to 5,000 sq. ft. of agricultural/forestry related products with an active agriculture/forestry use - Single-family detached dwellings - Township buildings and uses - Two-family dwellings - Wineries, farm
<p>ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services* - Farm stands - Garages, private 	<ul style="list-style-type: none"> - Gazebos* - Greenhouses, private - Home gardens and home nurseries* - No impact home-based businesses - Parking areas accessory to approved uses - Patios - Pets, keeping of* - Porches - Private garages, carports, sheds 	<ul style="list-style-type: none"> - Satellite dish antennae or satellite antennas* - Signs accessory to approved uses - Solar collectors - Stables, private in association with a single-family detached dwelling - Swimming pools - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sales * <p>*Permits not required</p>
<p>SPECIAL EXCEPTIONS (Planning Commission/ZHB)</p> <ul style="list-style-type: none"> - Bed and breakfast inns - Bus shelters - Cemeteries - Colleges - Country clubs - Day care centers - Farmers markets - Fraternity or sorority houses - Golf courses 	<ul style="list-style-type: none"> - Group homes, institutional - Group quarters - Health facilities - Home based businesses - Home occupations (See §503 for accessory use home occupations.) - Nursing homes - Personal care homes - Public and semi-public buildings and uses - Public parks and playgrounds 	<ul style="list-style-type: none"> - Recreational facilities, commercial - Recreational facilities, public - Resorts - Schools, public or private primary or secondary - Stables, commercial - Storage yards for forest products and minerals
<p>CONDITIONAL USES (Planning Commission/Supervisors)</p> <ul style="list-style-type: none"> - Agricultural products processing only for products raised on the premises, more than 5,000 sq ft of gross floor area 	<ul style="list-style-type: none"> - Aircraft sales, repair or modification - Airports, heliports and helistops, private and public - Archery ranges, outdoor 	<ul style="list-style-type: none"> - Campgrounds and recreational vehicle parks - Multi-family dwellings
<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the AR District except as approved in accord with §404.2.</p>		

R - RESIDENTIAL DISTRICT -- SCHEDULE OF USES

INTENT: To provide areas adequate to accommodate the Township’s single-family housing needs at higher densities than other districts and recognize existing lake communities. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.

<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Conservation design subdivisions - Crop production - Forestry - Group homes 	<ul style="list-style-type: none"> - Retail sales of agricultural/forestry products produced and/or processed on the premises - Retail sales up to 5,000 sq. ft. of agricultural/forestry related products with an active agriculture/forestry use 	<ul style="list-style-type: none"> - Single-family detached dwellings - Township buildings and uses
<p>ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services* - Farm stands - Garages, private 	<ul style="list-style-type: none"> - Gazebos* - Greenhouses, private - Home gardens and home nurseries* - No impact home-based businesses - Parking areas accessory to approved uses - Patios - Pets, keeping of* - Porches - Private garages, carports, sheds 	<ul style="list-style-type: none"> - Satellite dish antennae or satellite antennas* - Signs accessory to approved uses - Solar collectors - Stables, private in association with a single-family detached dwelling - Swimming pools - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sales * <p>*Permits not required</p>
<p>SPECIAL EXCEPTIONS (Planning Commission/ZHB)</p> <ul style="list-style-type: none"> - Agritourism - Bed and breakfast inns - Bus shelters - Country clubs - Day care centers - Development sales offices 	<ul style="list-style-type: none"> - Golf courses - Home occupations (See §503 for accessory use home occupations.) - Places of worship - Public and semi-public buildings and uses - Public parks and playgrounds - Recreational facilities, public 	<ul style="list-style-type: none"> - Religious quarters - Schools, public or private primary or secondary - Stables, private, in association with a single-family detached dwelling - Wineries, farm
<p>CONDITIONAL USES (Planning Commission/Supervisors)</p> <ul style="list-style-type: none"> - none 		
<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2.</p>		

C - COMMERCIAL DISTRICT -- SCHEDULE OF USES

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

<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Agritourism - Art studios - Auction houses - Banks - Bed and breakfast inns - Billiard halls - Boarding houses - Business offices - Business services - Bus shelters - Charging stations - Clinics - Clubs/lodges, private - Community centers - Conference centers - Conservation design subdivisions - Convenience stores 	<ul style="list-style-type: none"> - Crop production - Cultural centers - Day care centers - Development sales offices - Exercise clubs - Farmers markets - Forestry - Funeral homes - Group quarters - Group homes - Group homes, institutional - Lumberyards - Massage facility, therapeutic - Meeting, assembly or banquet halls - Micro-breweries - Nightclubs - Nursing homes - Personal care homes - Personal services 	<ul style="list-style-type: none"> - Places of worship - Professional offices - Office buildings - Religious quarters - Restaurants - Restaurants, take-out - Retail businesses - Sample homes - Self-storage facilities - Service establishments - Theaters - Township buildings and uses - Vehicle or equipment sales operation - Veterinary clinics - Wholesale businesses - Wineries, farm
<p>ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services* - Farm stands - Garages, private 	<ul style="list-style-type: none"> - Gazebos* - Greenhouses, private - Home gardens and home nurseries* - No impact home-based businesses - Parking areas accessory to approved uses - Patios - Pets, keeping of* - Porches - Private garages, carports, sheds 	<ul style="list-style-type: none"> - Satellite dish antennae or satellite antennas* - Signs accessory to approved uses - Solar collectors - Stables, private in association with a single-family detached dwelling - Swimming pools - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sales * <p>*Permits not required</p>
<p>SPECIAL EXCEPTIONS (Planning Commission/ZHB)</p> <ul style="list-style-type: none"> - After hours clubs - Amusement arcades - Bus stations - Car and truck washes - Colleges - Dormitories - Emergency services stations - Flea markets - Garages, public parking - Health facilities 	<ul style="list-style-type: none"> - Home occupations (See §503 for accessory use home occupations.) - Hotels - Indoor shooting ranges - Manufacturing, light - Motels - Outdoor entertainment - Recycling facilities - Recreational facilities, commercial - Recreational facilities, public - Public and semi-public buildings and uses 	<ul style="list-style-type: none"> - Public parks and playgrounds - Restaurants, outdoor - Schools, public or private primary or secondary - Trade schools - Treatment centers/clinics - Vehicle or equipment repair operation - Vehicle or equipment rental operation
<p>CONDITIONAL USES (Planning Commission/Supervisors)</p> <ul style="list-style-type: none"> - Domestic violence shelters - Drive-in stands/uses - Drive-in theaters 	<ul style="list-style-type: none"> - Gaming establishments - Large scale retail/commercial development - Multi-family dwellings - Park and ride facilities 	<ul style="list-style-type: none"> - Restaurants, drive-in - Shopping centers and malls - Single-family detached dwellings - Two-family dwellings

NOTE: Uses not specifically listed by this schedule shall not be permitted in the C District except as approved in accord with §404.2.

I - INDUSTRIAL DISTRICT -- SCHEDULE OF USES

INTENT: To reserve those areas in the Township best suited for manufacturing and industry, uses with potential for greater community impact, and other offensive uses based on location, existing uses and facilities, and the relationship to other land uses.

<p>PRINCIPAL PERMITTED USES (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> - Agritourism - Animal husbandry - Bus shelters - Charging stations - Composting facilities - Conservation design subdivisions 	<ul style="list-style-type: none"> - Crop production - Development sales offices - Forestry - Manufacturing, light - Park and ride facilities - Retail sales of agricultural/forestry products produced and/or processed on the premises 	<ul style="list-style-type: none"> - Retail sales up to 5,000 sq. ft. of agricultural/forestry related products with an active agriculture/forestry use - Self-storage facilities - Township buildings and uses - Wholesale businesses - Warehouses - Wineries, farm
<p>ACCESSORY USES (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services* - Farm stands - Garages, private 	<ul style="list-style-type: none"> - Gazebos* - Greenhouses, private - Home gardens and home nurseries* - No impact home-based businesses - Parking areas accessory to approved uses - Patios - Pets, keeping of* - Porches - Private garages, carports, sheds 	<ul style="list-style-type: none"> - Satellite dish antennae or satellite antennas* - Signs accessory to approved uses - Solar collectors - Stables, private in association with a single-family detached dwelling - Swimming pools - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sales * <p>*Permits not required</p>
<p>SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>)</p> <ul style="list-style-type: none"> - Bulk fuel storage facilities - Bus stations 	<ul style="list-style-type: none"> - Greenbox transfer station/recycling facilities - Home occupations (See §503 for accessory use home occupations.) 	<ul style="list-style-type: none"> - Industry - Recycling facilities - Retail home heating fuel distributors
<p>CONDITIONAL USES (<u>Planning Commission/Supervisors</u>)</p> <ul style="list-style-type: none"> - Bus, limousine or taxi terminals - Commercial communication device sites 	<ul style="list-style-type: none"> - Crematoriums - Heliports, commercial - Helistops - Mineral processing 	<ul style="list-style-type: none"> - Sawmills - Solar power generation, commercial

NOTE: Uses not specifically listed by this schedule shall not be permitted in the I District except as approved in accord with §404.2.

SCHEDULE OF DEVELOPMENT STANDARDS

Note: larger lot sizes, increased setbacks and other more restrictive standards may be required by other Ordinance sections.

PART 1 RESIDENTIAL STANDARDS FOR DWELLINGS PLANNED AS PART OF A CONSERVATION DESIGN SUBDIVISION					
Zoning district →→→→→	RR	AR	R	C	I
Conservation Design Subdivision	see §601	see §601	see §601	see §601	see §601

PART 2 RESIDENTIAL LOT SIZE AND DENSITY FOR DWELLINGS PLANNED AS PART OF A STANDARD SUBDIVISION					
Zoning district →→→→→	RR	AR	R	C	I
Minimum lot size for SINGLE-FAMILY DWELLINGS					
On-site sewage & on-site water	1.0 acre	2.0 acres	1.0 acre	1.0 acre	not permitted
On-site sewage & central water	1.0 acre	2.0 acres	1.0 acre	1.0 acre	not permitted
Central sewage & on-site water	1.0 acre	2.0 acres	1.0 acre	1.0 acre	not permitted
Central sewage & central water	0.5 acre	1.0 acre	0.5 acre	0.5 acre	not permitted
Minimum lot size for TWO-FAMILY DWELLINGS (minimum per two units in one structure)					
On-site sewage & on-site water	1.5 acres	3.0 acres	1.5 acres	1.5 acres	not permitted
On-site sewage & central water	1.5 acres	3.0 acres	1.5 acres	1.5 acres	not permitted
Central sewage & on-site water	1.5 acres	3.0 acres	1.5 acres	1.5 acres	not permitted
Central sewage & central water	0.75 acre	1.5 acres	0.75 acre	0.75 acre	not permitted
Development standards for MULTI-FAMILY DWELLINGS --central water and central sewage disposal required					
Garden apartments	not permitted	see §603	not permitted	see §603	not permitted
Townhouses	not permitted		not permitted		not permitted
Apartment buildings	not permitted		not permitted		not permitted

PART 3			
LOT DIMENSIONS FOR DWELLINGS ON EXISTING LOTS OR LOTS PLANNED AS PART OF A STANDARD SUBDIVISION			
(See §601 for conservation design subdivisions.)			
SINGLE-FAMILY and TWO-FAMILY residential in all districts where permitted (see §602 for additional two-family dwelling standards)			
STANDARD (see §911 for nonconforming lots)	LOT SIZE		
	Equal to or greater than		Less than
	1.0	0.5	0.5
Minimum Setbacks for Proposed Lots and Existing Lots (i.e., building setbacks) (see §503 for accessory structures)			
Front measured from 25 feet from the road centerline (feet)	50	30	20
Rear (feet)	40	30	20
Side - one/combined (feet)	20/50	15/30	15
Buffers for wetlands and water bodies	see §704.2, §704.3		
Lot Dimensions for Proposed Lots - see the Subdivision and Land Development Ordinance			
Maximum lot coverage (percent) total of all proposed and existing impervious surfaces	20	25	25
MULTI-FAMILY DWELLINGS - see §603.			

PART 4					
NONRESIDENTIAL LOT SIZES					
Zoning district →→→→→→→→→→→→→→→→	RR	AR	R	C	I
Minimum lot size for NONRESIDENTIAL USES					
On-site sewage & on-site water	1.0 acre	2.0 acres	1.0 acre	1.0 acre	1.0 acre
On-site sewage & central water	1.0 acre	2.0 acres	1.0 acre	1.0 acre	1.0 acre
Central sewage & on-site water	1.0 acre	2.0 acres	1.0 acre	1.0 acre	1.0 acre
Central sewage & central water	0.5 acre	1.0 acre	0.5 acre	0.5 acre	0.5 acre

PART 5 LOT DIMENSIONS FOR NONRESIDENTIAL USES				
STANDARD (see §911 for nonconforming lots)	LOT SIZE			
	Equal to or greater than			Less than
	2.0	1.0	0.75	0.75
Minimum Setbacks for Proposed Lots and Existing Lots (i.e., building setbacks) (see §503 for accessory structures)				
Front measured from 25 feet from the road centerline (feet)	20	20	20	25
Rear (feet)	30	20	15	10
Side (feet)	25	20	15	10
Buffers for wetlands and water bodies	see §704.2, §704.3			
Lot Dimensions for Proposed Lots - see the Subdivision and Land Development Ordinance				
Maximum lot coverage (percent) total of all proposed and existing impervious surfaces	60	60	60	60

PART 6 MAXIMUM BUILDING HEIGHT FOR ALL USES IN ALL DISTRICTS (see §501.4 for exceptions)	
residential dwellings	2.5 stories or 35 feet
all others	4 stories or 45 feet

ARTICLE V
SUPPLEMENTARY REGULATIONS

500 Introduction

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

501 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 yard. No lot, yard, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this Ordinance except as follows:

501.1 Nonconforming Lots of Record

See §911.

501.2 Access Drives; Driveways

Access drives serving a permitted use shall be permitted in all yards except as may be otherwise regulated by this ordinance, and provided a buffer of ten (10) feet is maintained from rear and side property lines.

501.3 Front Yard Exception

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

501.4 Height Limitations

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

501.5 Extension of Non-Conforming Setbacks

A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance.

501.6 Projections Into Setbacks (See §503.1 for accessory structures.)

Projections into required setbacks shall not be permitted. All parts of structures shall meet the required setbacks. Patios may be located in required setbacks not less than twenty (20) feet to any public road right-of-way or ten (10) to any property line.

501.7 Reduction of Required Area or Space

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

502 Unique Lots, Setbacks and Building Locations

502.1 Two or More Uses on a Lot

- A. Development Standards - Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
- B. Residential Density - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3).
- C. Non-Residential Uses - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- D. Residential and Non-Residential on the Same Lot
1. RR and AR Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
 2. C and I Districts - One residential unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal non-residential structure. The residential unit shall be occupied only by the owner or employee of the non-residential use(s). Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
- E. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet. (See §503.1 for accessory structures.)

502.2 Street Frontage / Front Setbacks

A principal building shall be permitted only upon a lot with frontage on a public or private road right-of-way. 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.

502.3 Clear View At Street Intersections

Visual obstructions at street intersection including, but not limited to, structures, opaque fences, vegetation and signs, (excluding an existing building, post, public utility structures, column or deciduous tree) thirty (30) inches in height shall be prohibited on any lot within the triangle formed by the street right-of-way lines and a line drawn between points along the street right-of-way lines thirty (30) feet distant from their points of intersection. More

restrictive standards shall be required in cases where intersection alignment, topography or other circumstances dictate same to maintain adequate clear view.

503 Accessory Structures and Uses

503.1 Accessory Structures

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

- A. Unattached Accessory Structures - All unattached accessory structures shall comply with setback requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred and forty-four (144) square feet in total floor area may be erected within the required side and rear setbacks of a principal structure, provided that no side or rear setback is reduced to less than ten (10) feet. In the case of corner lots, the full setback as specified in §502.2 shall be maintained. In addition, no accessory structure shall be erected within fifty (50) feet of any body of water.
- B. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

503.2 Fences and Walls

The erection of any fence or wall in all Districts shall not require a zoning permit, but shall be subject to the following provisions:

- A. Clear Sight Triangles - All fences and walls shall comply with §502.3 for clear sight triangles.
- B. Front Setback - Fences and walls may be erected in the required front setback area (i.e., between the right-of-way and required front setback); however, no such fence or wall shall encroach upon any public right-of-way and shall not exceed a height of four (4) feet. Fences and walls which meet the front setback requirement shall not be subject to this §503.2B.
- C. Height - No fence shall exceed a height of ten (10) feet except for agricultural fences and fences with a ratio of the open portion of the fence to the solid portion of the fence not less than four (4) to one (1).
- D. Side and Rear - Fences and walls may be erected on a side or rear property line provided said property line is clearly located and physically marked on the lots by lot line markers placed in accord with a survey conducted by a Registered Land Surveyor, and the owners of said lots present to the Township a written document executed between said owners establishing agreement for erection of the subject fence or wall.
- E. Setback - Fences or walls not located on the property line in accord with §503.2D above shall be set back from side and rear lot lines by not less than two (2) feet.
- F. Post/Supports - All fence posts and other structural supports shall be located on the side of said fence towards the interior of the property owned by the person erecting the subject fence.

503.3 Home Occupations and Home Based Businesses

503.3.1 Home Occupations

It is the intent of this §503.3.1 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. Based upon the potential nuisances of a proposed home occupation 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 home occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
- B. In the R District the total area used by all home occupations on the premises does not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance. In all other districts the total area shall not exceed fifty (50) percent.
- C. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.
- F. In the R District the home occupation shall be conducted only by members of the family residing in the dwelling and not more than one (1) person other than residents of the dwelling shall be employed on the premises. In all other districts, the number of nonresident employees shall not exceed three (3).
- G. 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.
- H. 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.
- I. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
- J. The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the R District, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
- K. One (1) sign not more than ten (10) square feet for each face shall be permitted in accord with Article XI.
- L. §701, Performance Standards, shall also apply to home occupations.
- M. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, crematoria, funeral parlors or other uses not meeting the requirements of this §503.3.1.
- N. The following types of uses shall be permitted as accessory uses in all districts:
 - 1. Professional offices for individual practitioners

2. Rooming and/or housing of not more than two (2) persons.
 3. Custom dressmaking or tailoring.
 4. Foster family care for not more than four (4) children simultaneously.
 5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 6. Tutoring for not more than four (4) children simultaneously.
 7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
 8. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 9. Single chair beauty shops and barbershops.
 10. No-impact home-based businesses as defined in Article III.
- O. All applications for home occupations not specifically enumerated as permitted in §503.3.1N shall not be permitted in the R District. In all other districts, all applications for home occupations not specifically enumerated as permitted in §503.3.1N or excluded by §503.3.1M, shall be considered special exceptions.

503.3.2 Home Based Businesses

It is the intent of this §503.3.2 to regulate as special exceptions the operation of home businesses to permit a variety of commercial uses in the AR and RR 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 nuisances of a proposed home based business 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 home based business or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. The home based business must be conducted entirely inside a building situated on a minimum of five (5) acres.
- B. No outdoor storage of materials, goods, products, supplies, or equipment used in the home based business shall be permitted unless adequate screening and buffers are provided in accord with §701.
- C. The home based business shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed five (5).
- D. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- E. No home based business shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the District.
- F. The use shall not require the parking of tractor-trailer trucks, however, deliveries by tractor-trailer trucks shall be permitted.
- G. One (1) sign not more than ten (10) square feet for each face shall be permitted in accord with Article XI.
- H. §701, Performance Standards, shall also apply to home based businesses.
- I. Any use not meeting the requirements of this §503.3.2 and the following uses shall not be permitted as home based businesses:

- Abused person shelters
- Adult businesses
- Agricultural products processing
- Airports
- Amusement parks
- Amusement arcades
- Banks
- Betting uses
- Bulk fuel storage facilities
- Bus terminals
- Campgrounds and recreational vehicle parks
- Car and truck washes
- Commercial communications device sites
- Convenience stores
- Detention facilities
- Flea markets
- Funeral parlors
- Gasoline service station
- Heliports
- Hotels
- Junk yards
- Manufacturing and industry
- Motels
- Natural resources processing
- Natural resource uses
- Race tracks
- Recyclable processing facilities
- Recycling collection facilities, large
- Recycling collection facilities, small
- Restaurants, drive-in-Restaurants, traditional
- Self-storage facilities-Outdoor shooting ranges
- Slaughter houses
- Solid waste facilities, public
- Solid waste facilities, commercial
- Solid waste staging areas
- Taverns
- Theaters
- Treatment centers/clinics
- Truck terminals

503.4 Private Parking Areas, Garages Accessory to Residential Uses

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

503.5 Home Gardening, Nurseries and Greenhouses

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

503.6 Private Outdoor Swimming Pools

- A. A single private outdoor, in-ground or above-ground, swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests.
- B. Pools and associated patios and decks shall comply with setbacks for accessory structures.
- C. Entry to in-ground and above-ground swimming pools shall be secured in accord with the Uniform Construction Code.
- D. A zoning permit or fence shall not be required for wading pools where the water does not exceed ten (10) inches in depth and which are not normally filled on a constant basis.
- E. The Township does not assume the responsibility of guaranteeing to the public that all pools comply with the provisions of this §503.6.
- F. Farm ponds and decorative ponds shall be exempt from this §503.6.

503.7 Temporary Uses

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

1. Duration - The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of 7 days in any 60 day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.
2. Statement from Owner - The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
3. Removal - Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
4. Conditions - The temporary use or structure shall: 1) be compatible with adjacent uses and 2) clearly be of a temporary nature.
5. Fee - The Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
6. Nonprofit - Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
7. Special Events - For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

F. Additional Regulations

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

503.8 Yard Sales

Individual private family yard sales are a permitted accessory use in all zoning districts. A permit shall not be required; however, yard sales shall be subject to the following specific regulations and requirements:

- A. Each individual property location may have a maximum of three (3) yard sales during any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
- B. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in Districts where permitted and in accord with the requirements of this Ordinance.

C. See §1105.8 for yard sale signs.

503.9 Private Cemeteries

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

503.10 Stables, Private

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

503.11 Heliports as an Accessory Use

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

- A. Allowed only in the I District as a conditional use.
- B. The applicant shall document compliance with all applicable state and federal regulations.
- C. The runway and/or landing pad shall be a minimum of two hundred and fifty (250) feet from any residential district or any existing dwelling not located on the parcel for which the airport and/or heliport is proposed.

503.12 Freshwater Ponds

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

503.13 Satellite Dish Antennae

All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required for such antennae twenty (20) inches or less in diameter.

503.14 Temporary Construction Buildings

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

503.15 Wind Turbine Generators, Accessory

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

A. Height

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

B. Setback

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

C. Uniform Construction Code; Manufacturer's Standards

1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.
2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
3. Prior to the issuance of a certificate of use the applicant shall provide certification from a Pennsylvania Registered Professional Engineer that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the manufacturer.

D. Climb Prevention/Locks/Fence

1. Wind turbines shall not include attached ladders or other such attachments that would allow access to the first fifteen (15) feet of the turbine above ground level.
2. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent access by non-authorized persons.

E. Noise and Shadow Flicker

1. Audible sound from an accessory wind turbine generator shall not exceed forty-five (45) dBA as measured at the property line of the parcel on which the accessory wind turbine generator is located. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this §503.15E, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

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

lighted, except as required by FAA requirements.

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

503.16 Solar Collectors, Accessory

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

- A. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §503.16 and other applicable standards of this Ordinance.
- B. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- C. Mounting - A solar energy system may be roof mounted or ground mounted.

D. Height

1. Roof Mounted - A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
2. Freestanding - A freestanding system shall not exceed the maximum building height for accessory buildings.

E. Setback

1. Roof Mounted - In no instance shall any part of the solar energy system extend beyond the edge of the roof.
2. Freestanding - Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.

F. Accessory Building - When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred fifty (150) square feet in area, eight (8) feet in height and shall not be located within any required front, side or rear setbacks.

G. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.

H. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.

I. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.

503.17 Private Flea Markets

Private flea markets 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.

§504 Off-Street Parking and Loading

This §504 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the parking and loading area design standards in that Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this §504 and violations shall be subject to the enforcement provisions of this Ordinance.

504.1 Availability and Use of Facilities

A. Availability - The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term *parking space* includes either covered garage space or uncovered parking lot space located off the public right-of-way.

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

504.2 Site Plan; Design

- A. Site Plan - The project application shall include a site plan that shows the parking, loading and unloading area, and access design.
- B. General - Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- C. Pedestrian Access and Circulation - The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.
- D. Design - Off-street parking areas, 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 and stalls shall be a minimum of ten (10) feet by twenty (20) feet with aisles of not less than twenty-four (24) feet unless designed as required above.

504.3 Illumination

All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four (4) cars after dusk, other than those accessory to a single dwelling, shall be illuminated according to §701.8.

504.4 Public Rights-of-Way

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

504.5 Parking Between Principal Structure and Road

Applicants should consider locating off-street parking and loading to the side or rear of the principal building to maintain rural and village character.

504.6 Number of Spaces To Be Provided

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

A. Parking Required for Nonresidential Uses - The number of spaces required by this §504.6 shall be considered to the minimum and maximum requirements unless modified in accord with this §504.6.

1. Parking Required for Nonresidential Uses

a. Parking Generation Manual

- (1) Parking Demand Table - Off-street parking spaces shall be provided and maintained in accord with the Parking Demand Table included as an appendix to this Ordinance or the latest edition of Parking Generation published by the Institute of Transportation Engineers. The Parking Demand Table may be updated by resolution of the Board of Supervisors to include more current data.
- (2) Similar Use - The parking provided for the proposed use shall be based on the most similar use and unit of calculation listed in the Parking Demand Table as determined by the Zoning Officer.

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

- (2) Constructed - The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Demand Table.
- (2) Reserved - Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Demand Table, unless a reduction is approved in accord with §504.6D.

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

- a. Constructed - The number of paved parking spaces constructed shall be the Average Peak Period Demand or eighty-five (85) percent of the Peak, whichever is reported in the Parking Demand Table.
- b. Reserved - Space shall be reserved to allow for expansion to one hundred fifteen (115) percent of the number of spaces required by §504.6A3a unless a reduction is approved in accord with §504.6D.

B. Parking Required for Residential Uses - Two (2) off-street parking spaces shall be provided and maintained for each residential dwelling unit except as follows:

1. Single-family dwellings - 3 per dwelling unit.

2. Two-family dwellings and multi-family dwellings - 2 per dwelling unit.
 3. Multi-family senior citizen and other senior citizen housing - 1 per dwelling unit.
 4. Assisted living facilities - 0.5 per dwelling unit.
- C. Township Required Reduction - In the case of parking for conditional uses and special exceptions, if the Board of Supervisors/Zoning Hearing Board determines that the number of parking spaces required by this §504 is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of twenty-five (25) percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §504.
- D. Applicant Proposed Reduction/Increase - The required number of parking spaces may be reduced or increased subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any approval to permit such decrease or increase shall be subject to the following:
1. Ordinance and Plan Consistency - The project design and parking space decrease shall be consistent with the purposes contained in this Ordinance and the goals and objectives of the Comprehensive Plan.
 2. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
 3. Local Conditions - In making its determination the Board of Supervisors or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
 4. Burden; Conditions
 - a. 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.
 - b. 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.
 - c. If the applicant provides more parking spaces than the minimum required, the additional parking spaces shall not result in the removal of specimen trees.
 - d. The Board of Supervisors or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance, including, but not limited to, reserving parking.

- E. Form of Reservation - Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.
- F. Reserved Parking Disturbance and Stormwater - The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management 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.
- G. Multiple Uses - (See also §504.12.) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- H. Handicapped Parking - Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this §504.

504.7 Off-Street Loading and Unloading Areas

- A. 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 §504. For the purposes of this section, the words “loading” and “unloading” are used interchangeably.
- B. 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.
- C. 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 one hundred (100) feet from any residential district. No loading area shall be located within fifty (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 twenty-five (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 §701.1 and the Subdivision and Land Development Ordinance.
- D. 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.
- E. Paving - All outside off-street loading areas shall be improved according to the street construction standards of the Township Subdivision and Land Development Ordinance.
- F. 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.

- G. Hours of Operation - Where the use 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.
- H. Fire Lanes - All buildings shall be accessible to emergency vehicles and shall meet applicable requirements.

504.8 Access To Off-Street Parking and Loading Areas

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

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

WIDTH*	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	20???? 35 feet	30???? 50 feet
*exclusive of the turning radius		

- B. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Highway Occupancy Permit - All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, 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.
- D. 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.
- E. Curbing - Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township.

504.9 Parking and Loading Area Setbacks

- A. Roads and Property Lines - All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than 10 feet wide unless a wider buffer is required by another Ordinance provision or adjoining uses share parking in accord with §504.12.

1. Measurement - The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.
 2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - a. Paving except for approved driveway/access way crossings
 - b. Fences unless integral to landscaping
 - c. Parking, storage or display of vehicles
 - d. Items for sale or rent
 3. Uses Permitted - The buffer area may include the following:
 - a. Permitted freestanding signs
 - b. Pervious storm water facilities
 - c. Approved driveway/access way crossings
 4. Sidewalks - Sidewalks, existing or proposed, may be included in the buffer area.
- B. Buildings - Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of ten (10) feet from any building wall, unless a larger distance is required by another Ordinance provision. This distance does not apply at vehicle entrances into or under a building.

504.10 Grading and Drainage; Paving

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

504.11 Off-Lot Parking

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

504.12 Shared Parking

Shared parking may be permitted 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 following regulations shall apply:

- A. Application for Shared Parking - Applicants seeking a shared parking arrangement shall have a shared parking

study prepared by a traffic engineering firm qualified in the field of shared parking as demonstrated through submission of qualifications and references to the Board of Supervisors/Zoning Hearing Board. The applicants shall submit the shared parking study to the Township for review. Factors to be considered in evaluating the desirability of implementing parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.

- B. Calculation of Parking Spaces Required - The minimum number of shared parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally recognized procedures. A formal shared parking study may be waived by the Board for developments proposing 12 or fewer shared parking spaces and where the applicant has established to the Board of Supervisors/Zoning Hearing Board's satisfaction that its impact is expected to be minimal.
- C. Location of Shared Parking Spaces - Shared spaces for residential units shall be located within 300 feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be located within 600 feet of the principal building entrances of all sharing uses. However, up to 20 percent of the spaces may be located greater than 600 feet but less than 1,000 feet from the principal entrances. Clear, safe pedestrian connections shall be provided. Pedestrians shall not be required to cross an arterial street in order to access shared parking spaces.
- D. Easement Agreements - If a privately owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use, maintenance and management of designated spaces is required. Such agreement shall be submitted to the Township for review and approval. The Board of Supervisors/Zoning Hearing Board may require that the property owners record the agreement as an easement with the Monroe County Recorder of Deeds.
- E. Shared Parking Plan - A shared parking plan shall be submitted when the shared parking study determines that the number of parking spaces which would otherwise be required under the applicable ordinances can be reduced by ten percent or more by the application of shared parking to the parcel or parcels. Where a shared parking plan is submitted, it shall include:
1. Site plan of parking spaces intended for shared parking and their proximity to the land uses they serve.
 2. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
 3. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible consistent with pedestrian safety.
 4. A safety and security plan that addresses lighting and maintenance of the parking areas.
 5. A drawing identifying a location which shall be held in reserve for future parking needs should changes in the tenant/occupant mix on the parcel or other circumstances reduce the effectiveness of shared parking among the parcels.
- F. Adoption of a Shared Parking Plan - The Board of Supervisors/Zoning Hearing Board may condition the grant of subdivision or land development approval upon compliance by the applicant with a shared parking plan acceptable to the Board.

- G. Modification of a Shared Parking Plan - The owner of a property where parking has been provided pursuant to a shared parking plan may request the Board to approve a revision to that shared parking plan if the tenants/occupants of buildings on the involved parcels change such that a new shared parking study shows an increase by ten percent or more for parking spaces on the parcel. The Board of Supervisors/Zoning Hearing Board may, in its sole discretion, grant or deny such request based upon its analysis of the parking needs of the site, the availability of parking on neighboring parcels or on the streets, and such other factors as it deems relevant. The request may only be granted if the affected parcel(s) have a reserved parking location as set forth in §504.12E5 above and only to the extent that the additional required parking spaces can be placed in that reserve area.
- H. Reserve Area - The number of parking spaces to be constructed pursuant to a shared parking plan may be less than the number required under this §504 pursuant to a shared parking plan only where the following conditions are met:
1. The land development plan submitted by the applicant shall identify an area which, if necessary, could be used to meeting the parking requirements of this §504 without the use of shared parking (the “parking reserve area”). That area shall be set aside for possible future use as parking if necessary. The Board of Supervisors/Zoning Hearing Board may, upon application of the property owner and for good cause shown, allow such area to be converted to parking;
 2. In no event shall the authorized portion of the required parking area that is not to be constructed but reserved for possible future use be counted towards satisfying any open space requirements which must be met under the terms of this ordinance;
 3. The parking reserve area shall be designed so that, if required, it will be easy to convert the area into parking;
 4. Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the parking reserve areas will be part of the impervious coverage; and
 5. The parking reserve area shall be landscaped in accord with §701.1 and §701.2.

504.13 Shopping Carts

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

504.14 Snow Storage and Removal

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

504.15 Landscaping

All improved off-street parking areas not entirely contained in a garage or building shall comply with the landscaping requirements of §701.1 and §701.2.

504.16 Parking of Commercial Vehicles in R Residential District

- A. Purpose - To prevent the character of residential areas from being harmed by nuisances, hazards and visual

blight in R Residential District.

B. Storage of Commercial Vehicles.

1. Definitions - For the purposes of this §504.16, the following terms shall have the following meanings:
 - a. Commercial Vehicle - A motor vehicle that has a gross vehicle weights of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material.)
 - b. Tractor of a Tractor-Trailer - A truck with a minimum of three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
 - c. Trailer of a Tractor-Trailer - A commercial vehicle with a length of twenty (20) feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."
2. Commercial Vehicles in R Residential District - The following standards shall apply in all R Residential District.
 - a. A maximum of two (2) "commercial vehicles" (as defined above) may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in shall have a gross vehicle weight of over fifteen thousand (15,000) pounds if parked outside of an enclosed building.
 - b. The engine of a tractor of a tractor-trailer or any refrigeration unit of a vehicle shall not be idled for more than ten (10) minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.
 - c. No trailer of tractor-trailer shall be parked, stored, maintained or kept on a property for more than eight (8) hours in any forty-eight (48) hour period.
 - d. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.
3. Exceptions - This §504.16 does not apply to the following, provided they are in an operational condition:
 - a. Municipally-owned vehicles
 - b. Ambulance, fire and rescue vehicles
 - c. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
 - d. Recreational vehicles - a maximum of two (2)
 - e. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority

- f. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area
- g. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
- h. Equipment and vehicles clearly primarily intended for agricultural use.
- i. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.

ARTICLE VI - RESIDENTIAL STANDARDS**601 Conservation Design Overlay District****601.1 Purposes and Development Options**

- A. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:
1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
 2. 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.
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *West End Regional Open Space Plan*, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents.
 6. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
 7. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
 8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
 9. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
 10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
 11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
 12. To conserve scenic views and elements of the Township's rural character, and to minimize perceived

density, by minimizing views of new development from existing roads.

- B. By-Right Development Options - In order to achieve these purposes, this §601 provides for flexibility in designing new residential subdivisions by allowing two forms of *by-right* development referred to as *options*, as summarized below:
1. Option One - Higher Density and Basic Conservation, providing for residential uses with a density factor reduction of fifteen (15) percent and with not less than fifty (50) percent of the tract comprised of conservation open space.
 2. Option Two - Greater Density with Greater Conservation, providing residential uses at a density factor reduction of twenty (20) percent and with not less than sixty (60) percent of the tract comprised of conservation open space.
- C. Densities and Required Open Space Percentages - See §601.4.

601.2 General Regulations

The design of all new subdivisions in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
- B. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan*, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. Combining the Design Options - The various layout and density options described in this §601 may be combined at the discretion of the Board, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this section, as compared with applying a single option to the property.
- D. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.
- E. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources and Site Analysis Plan*. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcroppings constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.

601.3 Minimum Parcel Size and Use Regulations

Tracts of six (6) acres or more in the Conservation Design Overlay District may be used for the following purposes:

- A. Single-Family Detached Dwellings - Single-family detached dwellings in subdivisions using Option 1 - Basic Conservation or Option 2 - Greater Conservation.
- B. Two-family Dwelling Units or Townhouses - Two-family dwelling units or townhouses in subdivisions or land

developments using Option1 - Basic Conservation or Option 2 - Greater Conservation.

- C. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of §601.5.
- D. Nonresidential Uses - The following non-residential uses:
 1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
 2. Wood lots, arboreta, and other similar silvicultural uses.
 3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
 4. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
- E. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

601.4 Density Determination and Dimensional Standards

TABLE 601.4,A,1 OPTION 1 – HIGHER DENSITY AND BASIC CONSERVATION					
Density Requirements for Single-Family Dwellings					
Zoning district →→→→→	RR	AR	R	C	I
Type of Water Supply / Sewage Disposal	<u>Density Factor</u> (required area per dwelling unit)				
both central water and central sewage	0.43 acre	0.85 acre	0.43 acre	0.43 acre	0.85 acre
all others	0.85 acre	1.70 acres	0.85 acre	0.85 acre	1.70 acres
Density Requirements for Two-Family Dwellings					
both central water and central sewage	0.32 acre	0.64 acre	0.32 acre	0.32 acre	0.85 acre
all others	0.64 acre	1.26 acres	0.64 acre	0.64 acre	1.70 acres
Density Requirements for Townhouses					
central water and central sewage required	0.32 acre	see §603	0.32 acre	see §603	0.85 acre

- A. Standards for Option 1 - Higher Density and Basic Conservation
 1. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in Table 601.4,A,1, as determined through the Adjusted Tract Acreage approach or yield plan described in §601.4,D,1. (The density factor is reduced by fifteen percent from that of a standard subdivision.)
 2. Minimum Required Conservation Open Space - The subdivision must include at least fifty (50) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in §601.4D1, as conservation open

space.

3. Dimensional Standards - The dimensional standards in Table 601.4,A,3, shall apply.

TABLE 601.4,A,3 OPTION 1 - HIGHER DENSITY AND BASIC CONSERVATION	
Dimensional Standards for Single-Family Detached and Two-family Dwellings	
Minimum Individual Lot Area	7,500 sq ft
Minimum Lot Width at Building Line	70 feet
Minimum Street Frontage	20 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance
Setback Regulations - the principal building position and orientation should be varied.	
- minimum front	20 feet
- minimum rear	30 feet; 20 feet where the rear setback adjoins conservation open space
- minimum side	- 30 feet separation of principal buildings - no side setback less than 5 feet
Maximum Lot Coverage	35 percent per individual lot
Dimensional Standards for Townhouses - see §601.4C	

B. Standards for Option 2 - Greater Density with Greater Conservation

TABLE 601.4,B,1 OPTION 2 – GREATER DENSITY WITH GREATER CONSERVATION					
Density Requirements for Single-Family Dwellings					
Zoning district →→→→→	RR	AR	R	C	I
<u>Type of Water Supply / Sewage Disposal</u>	Density Factor (required area per dwelling unit)				
both central water and central sewage	0.40 acre	0.80 acre	0.40 acre	0.40 acre	0.80 acre
all others	0.80 acre	1.60 acres	0.80 acre	0.80 acre	1.60 acres
Density Requirements for Two-Family Dwellings					
both central water and central sewage	0.30 acre	0.60 acre	0.30 acre	0.30 acre	0.80 acre
all others	0.60 acre	1.20 acres	0.60 acre	0.60 acre	1.60 acres
Density Requirements for Townhouses					
central water and central sewage required	0.30 acre	see §603	0.30 acre	see §603	0.80 acre

1. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in the following Table 601.4,B,1, as determined through the Adjusted Tract Acreage approach or yield plan described in §601.4D1. (The density factor is reduced by twenty percent from that of a standard subdivision.)

- 2. Minimum Required Conservation open space - The subdivision must include at least sixty (60) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in §601.4D1, as conservation open space. Conservation open space shall not be used for residential lots, except as provided below.
- 3. Dimensional Standards - The dimensional standards in Table 601.4B3, shall apply.

TABLE 601.4,B,3 OPTION 2 - GREATER DENSITY WITH GREATER CONSERVATION	
Dimensional Standards for Single-Family Detached and Two-family Dwellings	
Minimum Individual Lot Area	7,500 sq ft
Minimum Lot Width at Building Line	70 feet
Minimum Street Frontage	20 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance
Setback Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	30 feet; 20 feet where the rear setback adjoins conservation open space
– minimum side	- 30 feet separation of principal buildings - no side setback less than 5 feet
Maximum Impervious Coverage	35 percent per individual lot
Dimensional Standards for Townhouses - see §601.4C	

- C. Dimensional Standards for Townhouses in Option 1 - Higher Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - The standards in Table 601.4,C, shall apply.

TABLE 601.4,C OPTION 1 AND OPTION 2 DIMENSIONAL STANDARDS FOR TOWNHOUSES	
Minimum Individual Lot Area	none
Maximum lot depth to width ratio	5 : 1
Minimum Lot Width at Building Line	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Setback Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	20 feet
– minimum side	- 35 feet separation of principal buildings
Maximum Impervious Coverage	70 percent per individual lot
Maximum Height Regulations	35 feet

- D. Density Determination for Option 1 - Higher Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - Applicants shall have the choice of two methods of determining the

maximum permitted residential building density on their properties. They are as follows:

1. Adjusted Tract Acreage Approach - Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical "density factor" for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.
 - a. The following areas of constrained land shall be deducted from the gross (total) tract area:
 - 1) Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
 - 2) Private Streets: multiply the acreage of land under existing private streets by 1.0.
 - 3) Wetlands: multiply the acreage of designated wetlands by 0.95.
 - 4) Floodway: multiply the acreage within the floodway by 1.0.
 - 5) Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.5.
 - 6) Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80.
 - 7) Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.60.
 - 8) Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.
 - 9) Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.
 - b. If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
 - c. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage shall not be included when calculating the adjusted tract acreage.
2. Yield Plan Approach - Determination of density, or maximum number of permitted dwelling units, shall be based upon density factor of the chosen option applied to the gross tract acreage, as demonstrated by an actual Yield Plan. Yield Plans shall meet the following requirements:
 - a) SALDO Requirements - Yield Plans must be prepared in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be

expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.

- b) Resource Identification - The Yield Plan must identify the site's primary and secondary conservation areas, as identified in the *Existing Resources/Site Analysis Plan*, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the density factor of the chosen option. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplains and land with slopes greater than 15 percent.
- c) Individual Sewage Disposal Systems - On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the primary and secondary resources, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Township shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second ten (10) percent sample shall be selected by the Township and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system.
- d) Yield Plan Density and Dimensional Standards - The following dimensional standards shall be used in the development of Yield Plans for Option 1 and Option 2 subdivisions. The minimum lot sizes are derived from the density factor for the district location of the proposed development and the type of water supply and sewage disposal proposed. These minimum area dimensions are exclusive of all wetlands, slopes greater than twenty-five (25) percent, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of the minimum required lot area may consist of land within the 100-year floodplain, and only then if it is free of wetlands.

TABLE 317.D.4.b.4)				
YIELD PLAN DIMENSIONAL STANDARDS				
Minimum Lot Size (acres) (per Table 601.4,A,1 and Table 601.4,B,1)	Min. Lot Width at Min. Setback (feet)	Minimum Setback (feet)		
		Front	Rear	Side
0.9 and 1.0	150	35	50	25
0.67 and 0.75	125	35	50	25
0.45 and 0.5	100	35	50	15
0.33 and 0.37	80	30	25	10

601.5 Design Standards for Option 1 - Basic Conservation, and Option 2 - Greater Conservation

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Township Subdivision and Land Development Ordinance.

B. Setbacks - All new dwellings shall meet the following setback requirements in Table 601.5,B:

TABLE 601.5,B DWELLING SETBACKS		
SETBACK FROM:	DWELLING TYPE	
	Single-Family and Two-Family	Townhouses
external road rights-of-way	100 feet	300 feet
other tract boundaries	50 feet	200 feet
crop land or pasture land	100 feet	
buildings or barnyards housing livestock	300 feet	

C. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Township Subdivision and Land Development Ordinance.

D. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

601.6 Conservation Open Space Use and Design Standards

Protected conservation open space in all subdivisions shall meet the following standards:

A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:

1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.
6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
7. Golf courses may comprise up to half of the minimum required conservation open space, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be

included within the minimum conservation open space requirement; their parking and access ways may be paved and lighted.

8. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
9. Easements for drainage, access, sewer or water lines, or other public purposes.
10. 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.

B. Conservation Open Space Design Standards

1. Conservation Areas - Conservation open space shall be laid out in general accordance with the Township's *Map of Potential Conservation Lands* to ensure that an interconnected network of open space will be provided. The required conservation open space consists of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary Conservation Areas comprise those areas listed in §601.4D, as being subtracted from the total parcel acreage to produce the Adjusted Tract Acreage. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process and such features are listed in the Township Subdivision and Land Development Ordinance.
2. In Option 1 - Basic Conservation and Option 2 - Greater Conservation subdivisions, the conservation open space shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, or by a private individual or entity. The amount of land available for the common use and passive enjoyment of the subdivision residents shall be provided in accord with the Township Subdivision and Land Development Ordinance. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.
3. Dedication Requirement - See the open space and recreation fee provisions in the Subdivision and Land Development Ordinance which may require public land dedication (typically to provide potential connections with the Township long-range trail network).
4. Buffers for Adjacent Public Park Land: Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with such public land, within which no new structures shall be constructed. Where this buffer is unwooded, the Township may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through *no-mow* policies and the periodic removal of invasive alien plant and tree species.

C. Other Requirements

1. No portion of any building lot may be used for meeting the minimum required conservation open space. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required conservation open space.

2. Pedestrian and maintenance access, excluding to those lands used for permitted agricultural or horticultural purposes, shall be provided to conservation open space in accordance with the following requirements:
 - a. Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.
 - b. Access to conservation open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
3. All conservation open space areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Township Subdivision and Land Development Ordinance.

601.7 Permanent Conservation Open Space Protection Through Conservation Easements

In Option 1, and 2 subdivisions, the conservation open space that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Township. Uses permitted in conservation open space are listed in §601.5.

601.8 Ownership and Maintenance of Conservation Open Space and Common Facilities

See Article X.

602 Two Family Dwellings

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

602.1 Common 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 fifty (50) percent of the minimum lot size required in Part 1 of 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.

602.2 Single Parcel

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot size shall comply with Part 1 of 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. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

602.3 Conversions -- See §604.

603 Multi-Family Dwellings

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

603.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the Adjusted Tract Acreage Approach requirements for Conservation Design Developments contained in §601.4D1 and the Township Subdivision and Land Development Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Conservation Design Developments in §601.

TABLE 603.2 MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	6	4	2
Density -- number of dwelling units per acre of useable land area (See §601.4D1 for Adjusted Tract Acreage)	2	3	4
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	--	40	50
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum lot size for townhouse units for individual sale	1,000 square feet		
Minimum lot width at house location	18 feet		
Minimum front and rear setback	10 feet front / 15 feet rear		
Minimum side setback for end unit	15 feet		
Maximum lot coverage for individual townhouse parcels	75%		

603.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on Table 603.2 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.

603.3 Design Criteria

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

- A. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.
- B. Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.
- C. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §701.1 where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R Residential District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with §504.

603.4 Non-Residential Use

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

603.5 Conversions of Existing Structures

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

603.6 Common Property Ownership and Maintenance

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

603.7 Water Supply and Sewage Disposal

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

604 Conversion to Dwellings

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

605 Group Homes

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

605.1 Definition

See definition in Article III.

605.2 Supervision

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

605.3 Certification

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

605.4 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.

605.5 Counseling

Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three (3) nonresidents per day.

605.6 Parking

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

605.7 Appearance

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

605.8 Bulk and Density

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

605.9 Number of Residents

The following maximum number of 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:

A. Existing Single Family Detached Dwellings

1. With minimum lot area of two (2) acres and minimum building setbacks from all "residential lot lines" of fifteen (15) feet: eight (8) total persons.
2. Any other lawful dwelling unit: six (6) total persons.

B. New Structures- New structures shall meet all the normal bulk and density standards for single-family residential dwellings and the maximum number of persons shall be eight (8).

605.10 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.

606 Assisted Care Mobile Home for Relative**606.1** Accessory Use Permit

A temporary mobile home for the care of a relative, defined as an *Assisted Care Dwelling Mobile home for Relative* by this Ordinance, shall be considered an accessory use and all applicable zoning permits shall be required. In addition, a renewable accessory use permit shall be required which shall be renewed annually provided all requirements of this Zoning Ordinance are met. Prior to renewal of the permit the Zoning Officer shall confirm that the *relative* status of the occupant(s) of the accessory mobile home has not changed. In any case, the occupants

of the principal dwelling unit shall immediately report to the Zoning Officer any change in the occupancy status of the accessory mobile home and the timetable for the elimination of the mobile home.

606.2 Application Requirements

The applicant shall provide a completed building permit application including a plan showing, at a minimum, the information required by §602, and any other information deemed necessary by the Zoning Officer to determine compliance. The application shall also include a legally binding agreement for execution between the property owner and the Township to provide for the elimination of the accessory mobile home in accord with the requirements of this §606 when the accessory mobile home is no longer occupied by the relative requiring care.

606.3 Subdivision and Land Development Requirements

Approval under the Township Subdivision and Land Development Ordinance shall not be required for an accessory mobile home for the care of a relative meeting the definition of *Assisted Care Dwelling Mobile home for Relative* and the requirements of this Ordinance.

606.4 Occupancy -- Care Requirement

The accessory mobile home shall be restricted to occupancy by a "relative" (as defined by Article II of this Zoning Ordinance) of a permanent resident of the principal dwelling unit on the property. Such relative shall need care and supervision because of old age, disability, handicap or illness as documented by a letter from a licensed medical doctor. Such accessory mobile home shall be permitted only where the relative requiring the care occupies the accessory mobile home located on the parcel of the care provider.

606.5 Sewage Disposal

The accessory mobile home may be connected to the existing sewage disposal system provided the Township Sewage Enforcement Officer (SEO) confirms that the system is in good operation condition and any prior malfunctions have been corrected. All applicable permits and approvals for the connection, modification or installation of any sewage facilities necessary to accommodate the accessory mobile home shall be required. Sewage flows from the accessory mobile home shall not exceed four hundred (400) gallons per day. The confirmation by the SEO shall not place any liability on the Township or the SEO for any future sewage malfunction nor relieve the property owner from the responsibility of correcting any such malfunction.

606.6 Bulk and Density Requirements

All standards for setbacks, lot coverage, building height and other bulk requirements shall apply and any accessory mobile home shall be not less than twenty (20) feet from the principal dwelling. The accessory mobile home may be installed on any lot provided all bulk requirements can be met.

606.7 Mobile Home Design and Placement

The accessory mobile home shall be designed and installed in such a way that it can easily be removed from the property.

606.8 Removal of Mobile Home

Once the accessory mobile home is no longer occupied by the relative requiring care, it shall be removed within ninety (90) days, and such mobile home shall not be occupied in the interim. The time for removal may be extended by the Board of Supervisors upon petition by the property owner for good cause. When any mobile home permitted under this §606 is required to be removed, there shall be no physical evidence visible from exterior to the lot lines that such mobile home existed.

607 Reserved

608 Mobile Homes on Individual Lots

Mobile homes placed on lots not in a mobile home park shall comply with all Township regulations applicable to single-family residential dwellings and:

- A. Shall be placed upon and be permanently attached to a complete, permanent, frost-free foundation meeting the requirements of the PA Uniform Construction Code
- B. Homes shall have a pitched instead of a flat roof.

609 Functional Families**609.1 Purpose**

This §609 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.

609.2 Special Exception; Standards

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

- A. Proposed occupants:
 - 1. Share a strong bond or commitment to a single purpose (e.g. religious orders);
 - 2. Are not legally dependent on others not part of the functional family;
 - 3. Can establish legal domicile as defined by Pennsylvania law;
 - 4. Share costs of food, rent or ownership, utilities and other household expenses;
 - 5. Prepare food and eat together regularly;
 - 6. Share in the work to maintain the premises;
 - 7. Legally share in the ownership or possession of the premises; and
 - 8. Share the entire dwelling unit or act as separate roomers.
- B. Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:
 - 1. The length of stay together among the occupants in the current dwelling unit or other dwelling units;
 - 2. The presence of minor, dependent children regularly residing in the household;
 - 3. Whether the household is a temporary living arrangement or a framework for transient living; and
 - 4. Whether the composition of the household changes from year to year or within the year.

- C. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

609.3 Conditions

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

610 Bed and Breakfast Establishments

Bed and breakfast establishments are considered conditional uses in certain districts as set forth in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

- A. Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.
- B. Not more than five (5) rentable rooms are provided in the establishment.
- C. The owner or manager of the bed and breakfast must reside on the premises.
- D. Sewage disposal meeting the requirements of the Township and PA DEP is provided.
- E. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

611 Hotels, Motels, and Lodging Facilities

This §611 is intended to provide specific standards for the development of hotels, motels and other lodging facilities at unit densities that allow full use of the project parcel while at the same time recognizing the limitation of the proposed site. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare.

611.1 Density

Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this §611 and this Ordinance, and other applicable Township regulations.

611.2 Design Criteria

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

ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION

700 Design of Commercial Establishments and Nonresidential Uses

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

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern using wood or wood-like siding (exposed cinder-block construction shall not be permitted);
- C. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- D. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- G. Being consistent with any design guidelines adopted by the Township.

700.1 Land Development

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

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within five hundred (500) feet of the tract;
- B. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;

- F. Location and dimensions of pedestrian entrances, exits, walks;
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary architectural drawings for all buildings;
- I. Location, size, height, and orientation of all signs other than signs flat on building facades;

700.2 Site Design Process

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

- A. Mapping of Primary and Secondary Conservation Areas (see §601.4D1) to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- B. Locating the building site.
- C. Locating required buffers.
- D. Laying out street access, parking/loading areas, and other required or proposed improvements.

700.3 Ownership

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

701 Performance Standards Applicable to All Uses in All Districts

- A. Intent and Applicability - The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.
- 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 §701 and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards.
 - 2. Where there is reason to believe that the nature of the proposed use would make it difficult to comply with applicable standards, the Zoning Officer may require the applicant to submit plans of the proposed construction. Also, a description of the proposed machinery, operations and products, and specifications

for the mechanisms and techniques to be used to comply with this §701. However, no applicant shall be required to reveal the secret details of any manufacturing operation or trade data and may specify that the plans or other information submitted pursuant to this §701 shall be treated as a confidential matter.

3. Regardless of whether or not a use is required to comply with the procedure specified in this §701B, every use shall comply with all performance standards.

701.1 Setbacks and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R Residential District the minimum size of the abutting setback shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this §701.1. Storage of equipment, supplies, products or any other materials shall not be permitted in any front 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 rural 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 fifteen (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 (6) feet in height will be formed within three (3) years of planting.
- 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 Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

701.2 Landscaping

A landscaping plan for the proposed project shall be submitted by the developer for review and approval by the Township. Where the project involves landscaping of more than one-half (0.5) acre the plan shall be prepared by a qualified registered landscape architect, professional planner or registered professional engineer. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land

Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
- C. Plants shall be species native to Pennsylvania and of a type which are proven successful in the Township's climate.
- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five (5) years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions or variances.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.

701.3 Operations and Storage

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

- A. Sales Area - One outdoor sales area meeting the required setbacks for the district shall be permitted not to exceed the lesser of ten (10) percent of the interior retail sales space or five hundred (500) square feet.
- B. Conditional Use/Special Exception

1. Outdoor storage for other uses may be approved as a conditional use for a use listed as conditional use by the Schedule of Uses and as a special exception for a use listed as a special exception.
 2. In the case of a use listed as a principal permitted use by the Schedule of Uses, outdoor storage shall be considered a conditional use.
 3. Larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way may be required.
- C. Minimum Setback - Unenclosed uses and activities shall, in any case, be a minimum of 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 the C and I 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 §701.1. 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.

701.4 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 Township if the nature of the proposed use as determined by the Township so requires.

701.5 Radioactivity or Electric Disturbance

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

701.6 Noise

- A. No person shall operate or cause to be operated, on property, any source of continuous sound (any sound that is steady, fluctuating, or intermittent with a recurrence greater than one time in any fifteen second interval) in such a manner as to create a sound level that exceeds the limits set forth for the receiving land use category in the following table when measured at the property line of the receiving land use.

Maximum Sound Levels			
Period	Category Limits (dBA)		
	Commercial	Manufacturing	All Others
Monday-Saturday, 7:00 a.m.-9:00 p.m.	65	70	60
Saturday, 9:00 p.m.- Monday, 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m. Legal Holidays, 12:00-a.m.-12:00 p.m.	60	70	50

- B. For any source that emits a pure tone, the maximum sound level limits in the table above shall be reduced by five (5) dBA. For any source that emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen second interval), the excursions of sound pressure level shall not exceed ten (10) dBA over the ambient sound pressure level, regardless of time of day or night or receiving land use using the "fast meter characteristic of a Type II meter, meeting the ANSI specifications S1.4-1971, as amended.

- C. The maximum sound levels listed in the table above do not apply to the following noise sources
 - 1. Emergency alerts.
 - 2. Emergency work to provide electricity, water, or other public utilities when public health or safety is involved.
 - 3. Domestic power tools between the hours of 8:00 a.m. and 9:00.
 - 4. Explosives and construction operations.
 - 5. Agriculture.
 - 6. Motor vehicle operations.
 - 7. Public celebrations authorized by the Township.
 - 8. Railroads.
 - 9. The unamplified human voice.
 - 10. Outdoor sports or entertainment activities approved by the Township.

701.7 Vibration

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

701.8 Lighting and Glare

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

C. Standards

1. Illumination Levels - Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA) 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.

- 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 §701.8C2b.

3. Control of Glare

- a. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
- c. Barn lights, aka dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- d. The use of floodlights and wall-mounted luminaires (wall packs) shall not be permitted to illuminate parking areas unless it can be proven to the satisfaction of the Township that the employment of no other means is possible.
- e. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the

Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted as a conditional use.

- f. Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §701.8C3e. 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 (1) initial footcandle, measured line-of-sight from any point on the receiving property
- i. Height - Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting, see §701.8D.
- 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 seven thousand (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 thirty (30) initial footcandles.
- l. Soffit lighting around building exteriors shall not exceed fifteen (15) initial footcandles.

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

4. Installation

- a. Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.
- b. Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, shielded by steel bollards or protected by other effective means.
- c. Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.
- d. Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
- e. Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.

5. Maintenance - Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Ordinance.

6. Billboards and Signs - The lighting of new or relighting of existing billboards and signs shall require a permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

- a. Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. 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 thirty (30) vertical footcandles during hours of darkness.
- b. Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
- c. Electronic message signs shall comply with the requirements of Article 11.
- d. The illumination of a billboard within four hundred (400) feet of a residential use shall not be permitted.

- e. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- f. The use of highly reflective signs that creates nuisance glare or a safety hazard shall not be permitted.

D. Recreational Uses - The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential 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. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A visual impact analysis shall be required in accord with §701.8D5.
- 2. A proposed illuminated recreational facility located within a R District or sited on a nonresidential property located within 1,000 feet of a property in a R 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 §701.8D1.)
 - g. Swimming pool aprons 20 feet
 - h. Tennis 20 feet
 - i. Track 20 feet
 - j. All uses not listed 20 feet

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

- a. Plan views containing a layout of the recreational facility and showing pole locations and the location

of residences on adjoining properties.

- b. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
- c. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.
- d. Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §708.8C3.
- e. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be .extinguished.
- f. A narrative describing the measures proposed to achieve minimum off-site disturbance.

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

1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.
2. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.
3. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
4. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
5. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
6. When requested by the Township for conditional uses or special exceptions, the applicant shall also submit a Visual Impact Plan in accord with §701.8D5.
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 in accord with §1216.3.
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 in accordance with §1216.3.

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

1. It is deemed by the Zoning Officer to create a safety hazard;
2. It is replaced, abandoned or relocated;
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 §701.8 shall have the meanings set forth in this §701.8. Words and phrases not defined in this §701.8 but defined in Article III shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

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

Footcandle - The amount of illumination the inside surface of a 1-foot radius sphere would receive if there were

a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot, and is measurable with an illuminance meter (light meter).

Full Cutoff - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than ten (10) percent of the lamp's intensity is emitted at or above an angle ten (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.

701.9 Smoke

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

701.10 Odors

No emission shall be permitted of odorous gases or other odorous matter except in full compliance with PA Department of Environmental Protection requirements. Because the Township is a rural/agricultural area with many farms, the spreading of manure, shall not be considered an offensive odor and shall be exempt from this §701.10; however, this exemption shall not apply to sewage sludge.

701.11 Other Forms of Air Pollution

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

701.12 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. 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 safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

701.13 Storm Water Management and Soil Erosion Control

A storm water 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 Township Subdivision Ordinance or other applicable Township regulations and County Conservation District standards, and shall be based on generally accepted engineering principles appropriate for the proposed use.

The protection of the quality of ground water and surface water shall be an integral part of all proposed storm water management practices; and all storm water management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.

In any area of the Township where a storm water management plan has been prepared and adopted in accord with the Pennsylvania Storm Water Management Act, the provisions of any applicable storm water control ordinance shall apply.

701.14 Waste Materials

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

701.15 Handicapped Access

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

701.16 Settling and/or Storage Ponds and Reservoirs

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

701.17 Security

In cases where deemed necessary by the Township (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.

701.18 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.

701.19 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.

701.20 Fire Fighting -- Adequate and Reliable Water Source

Each land development shall provide an adequate and reliable water source for fire fighting purposes. The provisions for an adequate and reliable water source shall be submitted as part of the application. Such plans and installations shall be inspected by the Fire Department and shall be approved by the Township. The developer may elect to provide this water source through the establishment of a pressurized water system, static water source or combination thereof. When utilizing an off-site water source, the developer shall secure a permanent contract with the source owner to provide said water. Water sources shall conform to the requirements set forth in this §701.20.

A. Pressurized System - When electing to use a pressurized water distribution system, the developer may use a gravity, direct pumping, or combination system. Regardless of the type of pressurized system installed, the system shall be installed in compliance with NFPA 24, unless the Township imposes other specific requirements.

1. The flow capacity of the system shall such that it will maintain a delivery rate of one thousand (1,000) gallons per minute and forty (40) pounds per square inch residual pressure for a two-hour duration. No

pipng shall be used which is less than six (6) inches in diameter.

2. Hydrants shall be of the dry barrel type with two (2), two and one-half- inch *nst* male discharges an one (1), four and one-half-inch male *nst* discharge. All discharges shall have caps installed. Hydrants shall not be set more than ten (10) feet from the road edge and shall have the four and one-half-inch connection facing the roadway. Each hydrant shall be equipped with a curb stop to allow for isolation of the hydrant. Fire hydrants shall be installed with a maximum spacing not to exceed eight hundred (800) feet. The Developer shall provide the Fire Department with a key to operate the curb stops. Hydrant bodies shall be painted bright yellow, with the bonnet and caps painted bright green.
 3. When pumps are used as part of the distribution system, a reserve power source shall be provided. This power source shall be designed to automatically start when primary power is lost. The Developer shall be responsible to provide monthly maintenance and testing of the power system.
- B. Static Water Sources - When electing to use a static water source, the Developer shall ensure that access to the water source is provided within two thousand (2,000) feet road distance (not point to point) of any buildable point within the subdivision. This may be met either through the use of ponds, cisterns or a combination thereof. Regardless of the type of static source provided, the system shall be installed in compliance with NFPA 1231, unless the Township imposes other specific requirements.
1. Static water sources shall be of sufficient capacity to provide an uninterrupted flow of at least one thousand five hundred (1,500) gallons per minute for a two-hour duration. Dry hydrants shall be installed in static water sources and located as required to meet the two thousand-foot requirement.
 2. The dry hydrant shall be capable of supplying a one thousand five hundred- gallons per minute pumper operating at one hundred (100) percent capacity at one hundred and fifty (150) pounds per square inch through ten (10) feet of six-inch suction hose. Dry hydrants shall be terminated with a forty-five-degree dry hydrant head a with six-inch male *nst* treads and a cap. The centerline of the head shall be three (3) feet from the ground. All piping used in the dry hydrant shall be *schedule 80 PVC*, with a minimum diameter of eight (8) inches. All exposed above ground components shall be primed with a PVC primer to prevent deterioration. The hydrant head shall be connected to the piping with a tapered coupling.
 3. The piping for the dry hydrant shall be installed a minimum of three (3) feet below the frost line and average ice depth of the water source. The strainer shall be located below the surface of the water a a depth that is greater than three (3) feet below the average ice depth of the water (and the water surface) and no less than two (2) feet from the bottom of the water source. The strainer shall have a clean-out cap installed for maintenance. The vertical distance from the water surface to the centerline of the hydrant head shall not exceed ten (10) feet
 4. The access road to the dry hydrant shall meet the requirements for minor roads contained in this Ordinance.

701.21 Other Regulations

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

702 Placement and Screening of Waste Containers

702.1 Screening

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

702.2 Setback from Dwellings

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

702.3 Food Sales

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

702.4 Enclosed Containers

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

703 Environmental Impact Statement

The intent of this §703 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. 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. Light manufacturing or manufacturing or industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Concentrated animal feeding operations
10. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
11. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
12. Any use involving development in any flood plain area

The requirements of this §703 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EIS should such components be deemed unnecessary for certain uses.

703.1 Purpose of EIS

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

703.2 Contents of EIS

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

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

A. Soil Types

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

B. Surface Waters

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

C. Ground Cover Including Vegetation and Animal Life

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

D. Topographic and Geologic

1. Maximum existing elevation of site.
2. Minimum existing elevation of site.
3. Maximum proposed elevation of site.

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

E. Ground Water

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

F. Water Supply

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

G. Sewage Disposal

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

H. Solid Waste

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

I. Air Quality

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

J. Noise

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

K. Land and Water Surface Use and Community Character

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

- L. Critical Impact Areas - Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas
- M. Historic Resources - Identification of structures or sites of historic significance and probable effect of project.
- N. Transportation Network - Existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads a copy of the traffic study required by PennDOT shall be submitted and in the case of Township roads, the study shall be conducted in accord with PennDOT requirements.
- O. Law Enforcement - Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.
- P. Community Facilities and Services - Existing community facilities and services and how the proposed use will effect those facilities and services, including projected needs for additional facilities and services.
- Q. Additional Requirements - In addition to the above requirements the Planning Commission and/or Township Board of Supervisors or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.

703.3 Additional Considerations

The following shall also be addressed:

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

703.4 Qualifications

The 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.

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

- A. Upon receipt of the application the Township shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- B. The above mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning

Commission and Board of Supervisors or Zoning Hearing Board.

- C. The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EIS.
- D. Fees for the costs of such consultation as described in §5A and §5C above shall be paid by the applicant.
- E. Copies of the EIS shall be on file and available for inspection in the Township office.
- F. The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

704 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 (2) 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:

704.1 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of twenty-five percent (25%) grade as determined by the Zoning Officer, from United States Geological Survey topographic maps or USDA NRCS maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Professional Engineer or Registered Land Surveyor of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed. Any use or development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Board of Supervisors and Planning Commission shall be satisfied that the following performance standards have been or will be met:

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying zoning district. Provision shall be made and approved by the Township Engineer for control of runoff from impervious surfaces to prevent erosion and stormwater damage to downstream properties.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.

- F. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- G. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- I. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- J. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
- K. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

704.2 Buffers for Wetlands and Vernal Pools

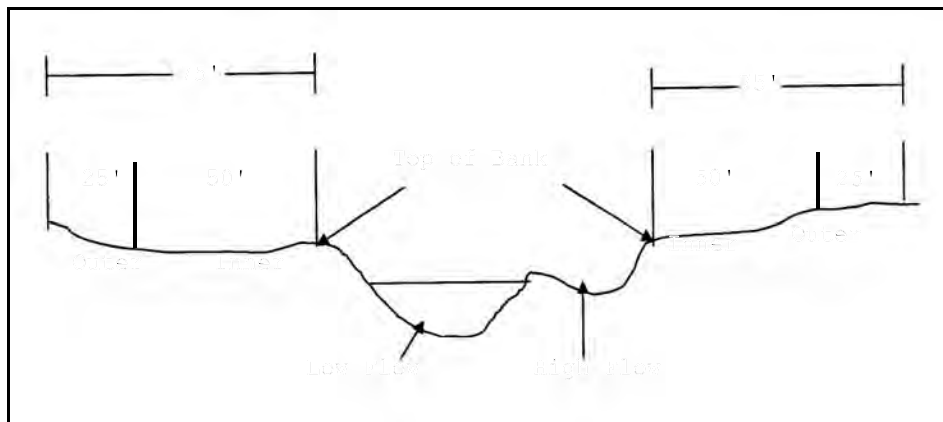
- A. If the Township determines that wetlands or vernal pools may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, and vernal pools to be delineated on any application proposing a new use or expanded use of land.
- B. The applicant shall be responsible for said delineation and shall warrant that said wetlands and vernal pools have been properly delineated
- C. A buffer of seventy-five (75) feet in width, comprised of a fifty (50)-foot inner buffer and a twenty-five (25)-foot outer buffer, shall be maintained for all wetlands and vernal pools.
 - 1. Inner Buffer - Measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pool for a distance of fifty (50) feet.
 - a. Unpaved trails and non-clear cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this Zoning Ordinance shall be permitted.
 - b. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 - c. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
 - 2. Outer Buffer - Measured perpendicular to and horizontally from the edge of the inner buffer for a distance of twenty-five (25). The same inner buffer limitations shall apply to the outer buffer. However, up to twenty (20) percent of the outer buffer may be disturbed for development as a conditional use provided the applicant can document that the project cannot otherwise be completed in accord with the other requirements of this Ordinance.

- D. If no wetlands or vernal pools are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance.
- E. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

704.3 Water Body Buffer

A buffer of fifty (50) feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all water bodies.

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



Stream Buffer Diagram

704.4 Stream Buffer

A buffer of seventy-five (75) feet in width, comprised of a fifty (50)-foot inner buffer and a twenty-five (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 fifty (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.
- B. Outer Buffer - Measured perpendicular to and horizontally from the edge of the inner buffer for a distance of seventy-five (75) 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.

704.5 Floodplain

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

704.6 Bedrock Disturbance

See §701.12.

705 Reserved

706 Property Line Buffer Areas

It is the intent of this §706 to preserve the rural character of the Township by requiring the conservation of trees and other vegetation, especially during the land development process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off. The Township's agricultural and other open land are vital to the rural character of the Township, which is the keystone of the local economy, and the preservation of that character will protect and promote the public welfare. This §706 is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial tree harvesters from operating in the Township. (Note: This §706 shall not apply to agricultural uses and lands owned by the Commonwealth of Pennsylvania or the Pennsylvania Game Commission.)

706.1 Natural Vegetation

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

- A. Clearing of vegetation shall be limited to those areas of the site needed for proposed and required

improvements.

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

706.2. Buffer Areas

In addition to the requirements of §706.1, the following requirements shall apply to all parcels in C and I Districts:

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

707 Wellhead Protection

707.1 Findings

The Board of Supervisors finds that:

- A. The ground water underlying the Township is a major source of its existing and future water supply, including drinking water.
- B. The ground water aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams which constitute a major source of drinking water for the region.
- C. Accidental spills and discharges of toxic and hazardous material may threaten the quality of such ground water supplies and related water sources in the Township posing potential health and safety hazards.
- D. Unless preventive measures are adopted to control the discharge and storage of toxic and hazardous materials within the Township, spills and discharges of such materials will predictably occur and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial development, population and vehicular traffic in the Township.

707.2 Purpose

The purpose of this §707 is to protect the public health, safety and welfare through the preservation of the municipalities major ground water resources to ensure a future supply of safe and healthful drinking water for the Township, local residents and employees, and the general public. The designation of Wellhead Protection Areas 1, 2, and 3 and careful regulation of land use, physical facilities and other activities within these areas can reduce the potential for ground water contamination.

707.3 Regulatory Reasonableness

The degree of protection of groundwater quality sought by the provisions of this §707 is considered reasonable for regulatory purposes. Groundwater contamination and pollution are still possible. This §707 does not imply groundwater will remain free of contamination for all Township residents.

707.4 Wellhead Protection Zones

For the purpose of this Ordinance, the Wellhead Protection Overlay District established by §401.6 is divided into specific wellhead protection overlay zones as follows:

- A. Wellhead Protection Zone 1 - Shall include all land within four hundred (400) feet of any public water supply wells regulated under the Safe Drinking Water Act, as amended.
- B. Wellhead Protection Zone 2 - Shall include all land within one-half (½) mile of public water supply wells regulated under the Safe Drinking Water Act, as amended, and within fifty (50) feet of any 100-year floodplain, wetland or natural water body.
- C. Well Head Protection Zone 3 - Shall include all land within the borders of Eldred Township.

707.5 Potential for Contamination

The land uses, physical facilities and activities listed below have the potential to contaminate surface soils, surface water bodies, and groundwater, and are regulated by this §707.

- A. Agricultural operations
- B. Commercial facilities
- C. Light manufacturing and manufacturing and industry
- D. Sewage disposal
- E. Bulk storage tanks
- F. Solid waste disposal facilities and staging areas
- G. Injection wells
- H. Sewage sludge land application
- I. Hazardous material storage, treatment and recycling
- J. Limited residential activities
- K. Subdivisions
- L. Land developments

707.6 Other Regulations

Permits and approvals issued pursuant to this §707 do not relieve the applicant of the responsibility to secure the required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of water supply wells are contained in any other code, rule, act or ordinance, the more stringent regulation shall apply.

707.7 Regulated Uses

Land uses within Wellhead Protection Zones 1, 2 and 3 shall be regulated in accord with the following *Schedule of Regulated Land Uses*. Land uses shall be prohibited, governed by the underlying zoning district (zon dist), or permitted only by special exception (spec excep) in accord with the Schedule.

SCHEDULE OF REGULATED LAND USES			
USE	Zone 1 (400 feet)	Zone 2 (½ mile)	Zone 3 (Township)
Agricultural operations	prohibited	spec excep	zon dist
Agricultural products processing	prohibited	spec excep	zon dist
Airports and heliports	prohibited	spec excep	zon dist
Bus terminals	prohibited	spec excep	zon dist
Car and truck washes	prohibited	spec excep	zon dist
Cemeteries	prohibited	spec excep	zon dist
Chemical and petroleum storage and sales	prohibited	spec excep	zon dist
Concentrated animal feeding operations	prohibited	prohibited	zon dist
Crematoria	prohibited	spec excep	zon dist
Dry cleaning establishments	prohibited	spec excep	zon dist
Educational, medical and engineering laboratories	prohibited	spec excep	zon dist
Ground source heat pumps	spec excep	spec excep	spec excep
Herbicide, pesticide and fertilizer dealer/distributor	prohibited	prohibited	zon dist
Junk yards	prohibited	prohibited	zon dist
Land application of sewage sludge	prohibited	prohibited	zon dist
Large volume subsurface sewage disposal systems	prohibited	prohibited	zon dist
Large volume spray irrigation sewage disposal systems	prohibited	prohibited	zon dist
Livestock operations	prohibited	spec excep	zon dist
Manufacturing and industry	prohibited	spec excep	zon dist
Manufacturing, light	prohibited	spec excep	zon dist
Mineral extraction	prohibited	spec excep	zon dist
Mineral processing	prohibited	spec excep	zon dist
Personal services: laundry, pest control, photo finishing, funeral parlors	prohibited	spec excep	zon dist
Recycling units and collection and processing facilities	prohibited	spec excep	zon dist

SCHEDULE OF REGULATED LAND USES			
USE	Zone 1 (400 feet)	Zone 2 (½ mile)	Zone 3 (Township)
Regulated substances, bulk storage of	prohibited	prohibited	zon dist
Regulated substances, generation, treatment or disposal of	prohibited	prohibited	zon dist
Repair services: furniture, welding, septage services	prohibited	spec excep	zon dist
Road deicing material storage	prohibited	spec excep	zon dist
Sawmills	prohibited	spec excep	zon dist
Sewage disposal facilities	prohibited	spec excep	zon dist
Slaughter houses	prohibited	spec excep	zon dist
Solid waste facilities and staging areas	prohibited	prohibited	zon dist
Storage tanks, aboveground*	prohibited	prohibited	zon dist
Storage tanks, underground	prohibited	prohibited	zon dist
Storm water retention facilities	prohibited	zon dist	zon dist
Storm water detention facilities, unlined	prohibited	zon dist	zon dist
Truck terminals	prohibited	spec excep	zon dist
Underground injection wells	prohibited	prohibited	spec excep
Vehicle repair, sales or rental operations and related parking	prohibited	spec excep	zon dist
*Above ground fuel tanks with capacity of 200 gallons or less required for the operation of equipment associated with safe wellhead operation are permitted, provided adequate secondary containment measures are installed.			

707.8 Special Exception Requirements

In addition to the special exception requirements contained in §1208, the requirements in this §707.8 shall apply to the specified uses. In approving any special exception, the Zoning Hearing Board shall attach all necessary conditions to ensure the protection of groundwater and otherwise accomplish the purpose of this §707. Should the Zoning Hearing Board find that the proposed use presents the potential for groundwater contamination which cannot reasonably be mitigated by conditions of approval the use shall be denied.

- A. Hazardous Material - Facilities which generate, store, treat or dispose of hazardous material are required to file with the Township a current Pollution Incident Prevention (PIP), Spill Prevention Control and Countermeasure (SPCC), Preparedness, Prevention and Contingency (PPC), Spill Prevention Response (SPR) plan, as required by either the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency, and a current Hazardous Substance Survey Form, Environmental Hazard Survey Form and SARA Title III Tier I and Tier II Report.
- B. Herbicide, Pesticide and Fertilizer - Herbicide, pesticide and fertilizer dealers and distributors are required to file with the Township a Pollution Incident Prevention (PIP) plan, or equivalent, and a current Hazardous Substance Survey Form, Environmental Hazard Survey Form and SARA Title III Tier I and Tier II.

- C. Underground Injection Wells - Underground injection well operators must submit to the Township a copy of a current registration with the Environmental Protection Agency.
- D. Storage tanks - Aboveground and underground storage tank owners must submit to the Township a copy of a current registration from the Pennsylvania Department of Environmental Protection and demonstrate compliance with all regulations enacted to enforce the Storage Tank and Spill Prevention Act of 1989, as amended.
- E. Solid Waste - Solid waste disposal facilities and staging areas must file with the Township a copy of a current permit from the Pennsylvania Department of Environmental Protection, a copy of any required Preparedness, Prevention and Contingency (PPC) plan and copies of any required water quality monitoring reports and water pollution abatement plans.
- F. Sewage Sludge - Sewage sludge land application operators must file with the Township a copy of a current permit from the Pennsylvania Department of Environmental Protection, copies of any sewage sludge test results and any required water quality monitoring reports with the township.
- G. Agriculture - Agricultural operations and livestock operations must submit a copy of a current Conservation Plan prepared in accordance with Chapter 102 of Pennsylvania Department of Environmental Protection regulations, and must include a Pesticide Management Plan and a Nutrient Management Plan.
- H. Sewage Disposal - Sewage disposal facilities must be operated and maintained to prevent discharge of untreated or partially treated sewage to surface or ground waters. Operators of any sewage treatment plants shall file with the Township a current permit from the Pennsylvania Department of Environmental Protection and copies of all required monitoring reports. On-lot sewage disposal systems shall be inspected by a technician certified by the Pennsylvania Sewage Management Association and any necessary repairs or maintenance must be performed prior to the expansion or conversion of the land use served by the system. A copy of that inspection report must be submitted to the Township Sewage Enforcement Officer.
- I. Ground Source Heat Pumps - Ground source heat pumps shall comply with the following:
1. Ground source heat pumps shall not have any formal connections to any on-lot sewage disposal system system.
 2. Horizontal closed loop ground source heat pumps must be a minimum of twenty-five (25) feet from any existing or permitted on-lot sewage disposal system.
 3. Vertical closed loop ground source heat pumps must be a minimum of one hundred (100) feet from any existing or permitted on-lot sewage disposal system, unless the entire borehole around the annulus of the loop is grouted with bentonite slurry.
 4. Closed loop ground source heat pumps that treat extracted water in any way, or involve circulation of toxic refrigerants below the surface, are prohibited.
 5. Water treatment associated with open loop ground source heat pumps is prohibited.
 6. Applicants for open loop ground source heat pumps that discharge to the surface must either obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection, or demonstrate that such permit is not required.

7. Applicants for ground source heat pumps with separate return wells must provide documentation that the return well is capable of handling the volume of water that passes through the heat pump.

707.9 Subdivisions and Land Developments - Subdivisions and land developments regulated by the Township Subdivision and Land Development Ordinance shall be designed consistent with the following:

- A. Storm Water - Storm water retention and/or unlined detention basins shall be prohibited within Wellhead Protection Zone 1.
- B. Subsurface Sewage Disposal - Subdivision and land developments proposed with subsurface sewage disposal shall provide a tested and suitable primary absorption area and a tested and suitable secondary absorption area on each lot.

707.10 Reports and Information for Regulated Uses

The owner or operator of any Regulated Land Use in the Township shall submit to the Zoning Officer the following reports and information in the manner prescribed:

- A. Copies of all federal, state and county operational approvals, certificates, permits and applications, on-going environmental reports and monitoring results, relating to environmental, pollution control, hazardous substance and drinking water laws and regulations pertaining to such lot or tract of land, as and when required to be submitted to federal, state and county governmental authorities;
- B. In the event that any contaminants and/or substances regulated under federal, state or state environmental, pollution control, hazardous substance and drinking water laws and regulations are released on or from any lot or tract of land within the Township, copies of any and all notices, reports and documents which such owner filed, or caused to be filed, with any federal, state and/or county governmental authorities which provide notice of or relate to such release, as and when such notices, reports and documents are required to be filed with such governmental authorities; and
- C. Copies of all notices, orders, rules, decisions, recommendations, enforcement actions and similar documentation, as and when received by or on behalf of such record owner or the occupant of any such lot or tract of land from any federal, state or county governmental authority in connection with the enforcement of environmental, pollution control, hazardous substance and drinking water laws and regulations.

707.11 Exemptions

The following activities are specifically excluded from regulation under this §707:

- A. Transportation - The transportation of any regulated material through Wellhead Protection Zones 1 or 2, provided that the transporting vehicle is in transit through the Wellhead Protection Zones and further provided that such transportation is conducted in compliance with all applicable federal and state laws and regulations.
- B. Household Use - Use and/or storage of fuels, hazardous chemicals, pesticides, fertilizers, flammable liquids and gases, and toxic and regulated substances by owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of single-, two- or multi-family residential dwellings in such quantities and in such manner as is associated with normal consumer, household use.

707.12 Definitions

For the purposes of this §707, the following definitions supplement the definitions in Article III.

Ground Source Heat Pump - Any geothermal, earth-coupled, geo-exchange, water-coupled, groundwater, ground-coupled, closed-loop, coiled, open, or water source heat pump system used for heating and/or cooling which utilizes groundwater extracted from a well.

Large Volume Subsurface Sewage Disposal System - A sewage disposal facility which is designed to discharge directly to the soil profile, whether natural or enhanced, and which has a design capacity in excess of 10,000 gallons per day.

Large Volume Spray Irrigation Sewage Disposal System - A sewage disposal facility which is designed to treat wastewater with ultimate disposal of effluent being to the land surface via a spray mechanism and which is designed for more than 2,000 gallons per day.

Nutrient Management Plan - A document applicable to agricultural properties which describes the storage, handling and application of fertilizers, including manure, related to agricultural production.

Pesticide Management Plan - A document applicable to agricultural properties, which describes the storage, handling and application of products to control pests and undesirable vegetation, related to agricultural production.

Pollution Incident Prevention (PIP) Plan - An environmental emergency response document authorized by Chapter 101 of the Pennsylvania Department of Environmental Protection Rules and Regulations which is applicable to facilities which handle materials with the potential for accidental pollution of the waters of the Commonwealth. Specific requirements for a PIP plan are contain in "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," PA DEP, September, 1990.

Preparedness, Prevention and Contingency (PPC) Plan - An environmental emergency response document required by the Federal Resource Conservation and Recovery Act (as amended by the Hazardous and Solid Waste Amendments of 1984), the Pennsylvania Solid Waste Management Act and the Pennsylvania Department of Environmental Protection Hazardous Waste Regulations (Chapters 260-270) applicable to facilities which generate, store, treat or dispose of hazardous wastes. Hazardous wastes are those defined with the Pennsylvania Department of Environmental Protection regulations or other wastes which meet specific characteristic tests.

Private Water Supply Well - any well used or intended to be used as a groundwater supply well that is not regulated by the Pennsylvania Department of Environmental Protection.

Public Water Supply Well - any well used or intended to be used as a groundwater supply well that is regulated by the Pennsylvania Department of Environmental Protection.

Regulated Substances - Any nuclear or radioactive materials or wastes and all hazardous substances and hazardous wastes listed in the following federal regulations:

- A. Superfund Amendments and Reauthorization Act (SARA) of 1986, §302 Extremely Hazardous Substances List (40 C.F.R. 300, App. A and B);
- B. Comprehensive Environmental Response Compensation and Liability Act Superfund (CERCLA) of 1980, Hazardous Substance List (40 C.F.R. 302, Table 302.4);
- C. SARA of 1986, §313, Toxic Chemicals List (40 C.F.R. §372.45); and
- D. Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Waste Lists (P and U Categories)(40 C.F.R. 261.33(e) and (f)).

- E. Clean Water Act, Sections 311 and 307, Hazardous Substances and Toxic Materials.

Retention Pond - A basin designed to retard stormwater runoff, by temporarily storing the runoff, which does not have a defined outlet structure and which empties through a combination of evaporation, transpiration and infiltration.

SARA Title III Off-Site Plan - A document required by the Federal Superfund Amendment and Reauthorization Act (SARA) which apply to employers who have extremely hazardous substances in the workplace. The document identifies the transportation routes of extremely hazardous substances, a description of the workplace and a risk analysis of the operation to the surrounding community.

SARA Title III Tier I and Tier II Reports - Documents required by the Federal Superfund Amendments and Reauthorization Act (SARA) which apply to employers who have extremely hazardous substances in the workplace. The Tier I document lists the amounts and locations within the workplace of extremely hazardous substances by type of hazard (e.g. fire, explosion, acute health hazard). The Tier II document provides a listing of each specific extremely hazardous substance in the workplace and each specific hazardous substance exceeding 10,000 pounds on site at any one time.

Spill Prevention Control and Countermeasure (SPCC) Plan - An environmental emergency response document required by the Federal Clean Water Act for facilities which handle hazardous substances as defined in the Clean Water Act. The plan requirements are virtually the same as for a PIP Plan.

Spill Prevention Response (SPR) Plan - An environmental emergency response document required by the Pennsylvania Storage Tank and Spill Prevention Act (STSPA) for facilities with an aboveground storage tank exceeding a volume of 21,000 gallons. The plan requirements are specified in Sections 902 and 903 of the STSPA. A downstream notification requirement applies to regulated tanks adjacent to surface waters.

Underground Injection Well - A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except drilling muds and similar materials used in well construction).

708 Traffic Impact Study (TIS)

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

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

708.1 TIS Requirement.

- A. Thresholds - A TIS shall be required for all proposals that are projected to generate one hundred fifty (150) or more trip-ends per project peak hour or one thousand five hundred (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, as the case may be, 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. Light manufacturing or manufacturing or industrial uses
 3. Junkyards
 4. Mineral extraction
 5. Mineral processing
 6. Agricultural products processing
 7. Solid waste facilities and staging areas
 8. Warehouses and trucking terminals
 9. Concentrated animal feeding operations
 10. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
 11. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
 12. Any use involving development in any flood plain area

The requirements of this §708 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the TIS should such components be deemed unnecessary for certain uses.

708.2 Professional Requirements

The TIS shall be prepared by a registered professional engineer or transportation planner with verifiable experience in preparing such studies.

708.3 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.

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

801 - 802 Reserved

803 Agricultural Uses -- Crop Production and Livestock Operations

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

803.1 Crop Production

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

803.2 Animal Husbandry

Animal husbandry shall be permitted only in those districts as designated on the Schedule of Uses.

803.3 State Protected Agricultural Operations

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

803.4 Manure Odors

Because the Township is a rural/agricultural area with many farms, the spreading of manure not associated with a concentrated animal feeding operation shall not be considered an offensive odor and shall be exempt from §701.10.

803.5 Setbacks

Any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall not be less than one hundred (100) feet from any property line or road right-of-way. The setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.

804 Airports And Heliports

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

804.1 Conditional Use

The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would affect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless conditional use approval has been granted. In addition to the requirements of §1208, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

- A. Any extension of a runway's length or location;
- B. Any change in the height of a runway;
- C. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating

category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;

- D. Any change of runway direction or alignment;
- E. Any change in the status of taxiways or holding areas affecting the location areas of airport hazard zones;
- F. Any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone.
- G. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

804.2 Application Contents

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

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

804.3 Engineering Review

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

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

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

804.5 Criteria to Review

In acting on a conditional use, the Supervisors shall consider:

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

804.7 Runway and Landing Pad Setbacks

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

805 Amusement Parks

Amusement parks are classified as conditional uses in certain districts and in addition to all other applicable standards of this Ordinance, amusement parks shall be subject to the following standards.

805.1 Parcel Size

A minimum parcel of five (5) acres shall be required.

805.2 Fencing

A fence not less than six (6) feet in height and of such design to restrict access shall completely surround the amusement park; and said fence shall not be placed less than ten (10) feet from any property line or public road right-of-way.

805.3 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.

805.4 Hours of Operation

Hours of operation shall be limited to the period between 9:00 a.m. and 11:00 p.m.

806 Animals, Keeping of

806.1 Kennels

Kennels are considered conditional uses in certain districts and shall be subject to §1208 and the following conditions:

- A. Parcel Size - A minimum parcel of ten (10) acres shall be required.
- B. Setbacks - Any structure, outdoor kennels, or animal exercise areas used for the keeping of dogs shall meet the

setbacks on Table 806.

- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 A.M.
- F. Wastes - All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §806.1B until disposed of and proof of such disposal shall be provided to the Township.
- G. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §806.1 B 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.

TABLE 806 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES					
Type of Use	Minimum Lot Size (acres)	Land Requirements for Horses	Property Line Setback (ft)	Road** Setback (ft)	Existing Building*** Setback (ft)
Private Stables in all Districts	2	1 acre per horse*	75	75	100
Commercial Stables / Horses for Hire	25	1 acre per horse	100	75	100
Kennels	10	not applicable	125	100	200
*In addition to the minimum lot size required for the principal use. **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.					

806.2 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in accord with the Schedule of Uses and the following conditions:

- A. Parcel Size - A minimum parcel of two (2) acres shall be required.
- B. Number of Horses - The number of horses permitted shall not exceed one (1) horse per every one (1) acre of land. The minimum lot size required for the principal use shall not be counted as any area available for horses
- C. Building Size - The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.

- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 806-1, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. 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.
- I. Uses Permitted - The following types of uses shall be permitted as part of the operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806.
 - 3. Boarding of horses.
- J. Wetland/Stream Setback; >15% Slope - No pasture area or other area where the horse(s) is/are housed, kept, grazed or otherwise maintained or permitted shall be located within fifty (50) feet of any wetland or stream nor shall the same be permitted on any slope in excess of fifteen (15) percent.

806.3 Stables, Boarding, Commercial and Horses for Hire

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

- A. Parcel Size - A minimum parcel of twenty-five (25) 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.
- B. Number of Horses - The number of horses permitted shall not exceed one (1) horse per every one (1) acre of land.
- C. Building Size - The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises

- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback
- G. 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.
- H. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806..
 3. Boarding of horses, and necessary buildings and structures.
 4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 5. Sale of horses other than the horses raised or boarded on the premises.
 6. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

806.4 Wild and Exotic Animals

No individual other than a registered veterinarian in the course of his professional duties, or a licensed falconer who keeps and maintains only his own birds, is permitted to maintain, keep or possess within the Township any wild or exotic animal. Zoos and menageries are regional uses as defined in §400.4 and are not permitted in Eldred Township.

807 Archery Ranges -- Outdoor Commercial

This §807 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. Such ranges shall be permitted only in those districts as specified in the Schedule of Uses.

807.1 Setbacks

All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this §807. This shall not apply to structures on the same parcel as the shooting range.

807.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §807. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

807.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701 unless more restrictive standards are required by the Township as a condition of approval.

807.4 Hours of Operation

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

807.5 Fence

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

807.6 Posting

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

807.7 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.

808 Bulk Fuel Storage Facilities

In addition to all other applicable standards, bulk fuel storage facilities shall be subject to the specific regulations and requirements in this §808 and shall be permitted only in those districts as specified in the Schedule of Uses. The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

808.1 Parcel Size

Bulk fuel storage facilities shall be located on a tract of land not less than three (3) acres in area.

808.2 Setbacks

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

808.3 Fence

The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township.

808.4 Other Regulations

Bulk fuel storage facilities shall be developed in complete compliance with all applicable Local, state, federal and insurance regulations and requirements.

809 Commercial Communication Devices

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, and other commercial antennae and associated facilities. Such CCD and support structure and associated facilities shall be permitted only in the districts as provided in this §809 and the Schedule of Uses.

809.1 Purposes

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

809.2 Permits; Use Regulations

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

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in all districts as an accessory use and conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be a conditional use. The applicant shall provide the following information:
 1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
 2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
 3. Evidence of recorded agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall be permitted only in RR and I Districts and shall require conditional use approval in accord with this §809.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use - A CCD shall be permitted on a property with an existing use subject to the following land development standards:
 1. The CCD facility shall be fully automated and unattended on a daily basis, and shall be visited only for

periodic maintenance.

2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
4. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

809.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant shall provide information on the general location of other towers/sites planned for the region.
- B. Collocation; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a five-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
 1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for five (5) service providers. The Township may require the tower

to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.

- D. Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum setbacks in this §809.2D shall apply.
1. Separate Parcel - If the parcel on which the CCD and support structure is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the CCD structure. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
 2. Lease, License or Easement - If the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, the distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.
- F. Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Collocation; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should

there be a future additional need for such facilities.

- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
- K. Color and Lighting; FCC and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- N. Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also require a financial guarantee from the applicant for the removal of the structure, such guarantee in an amount deemed adequate by the Township and in a form approved by the Township Solicitor.
- O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.
- P. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.

810 - 814 Reserved

815 Forestry Enterprises**815.1 Permit Required**

A permit shall be required for all forestry enterprises.

815.2 Soil Erosion and Sedimentation and Storm Water Control

Any earth disturbance shall comply with §701.13 and a soil erosion and sedimentation control plan shall be required. No earth disturbance or clear cutting shall be permitted within twenty-five (25) feet of any water body or stream except for approved stream crossings.

815.3 Best Management Practices

Timber harvesting shall be conducted in accord with accepted best management practices. Accepted best management practices are generally those recommended by the Penn State College of Agricultural Sciences School of Forest Resources, the Pennsylvania Department of Environmental Protection Bureau of Forestry, the Pennsylvania Forestry Association, the Pennsylvania Hardwoods Development Council, the Hardwood Lumber Manufacturers Association of Pennsylvania, and the Society of American Foresters. Many of these best management practices are detailed in the following publications:

1. *Best Management Practices for Pennsylvania Forests*, Penn State College of Agricultural Sciences, 1996.
2. *Timber Harvesting Issues in Pennsylvania*, Penn State College of Agricultural Sciences School of Forest Resources, undated.
3. *Best Management Practices for Silvicultural Activities in Pennsylvania's Forested Wetlands*, Penn State College of Agricultural Sciences School of Forest Resources and Pennsylvania Hardwoods Development Council, 1993.

815.4 Township Road Bond

The Township may require a bond, letter of credit or other financial guarantee to assure that any damage to Township roads caused by logging or any other forestry enterprise is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

815.5 Access to Public Roads

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

815.6 Setbacks

- A. Residential and Nonresidential Buildings - Landing areas and log storage areas shall not be less than two hundred (200) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Landing areas and log storage areas shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands -Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

816 to 822 Reserved

823 Large-scale Retail/Commercial Development

823.1 General Provisions

- A. Applicability - This §823 applies to all large-scale retail/commercial developments.
- B. Intent - This §823 addresses the physical relationship between large-scale retail/commercial development and adjacent properties, public roads, neighborhoods, and natural features, in order to implement Eldred Township's vision for an attractive, efficient, and livable community as described in the Comprehensive Plan.

The general intent of this §823 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:

1. Create safe, efficient and separate pedestrian and vehicular circulation patterns;
2. Protect existing residential areas from incompatible land uses;
3. Result in well-planned and well-designed development in scale and character with the setting;
4. Minimize the conflict between non-residential and residential uses;
5. Manage access along the Township's commercial road frontages;
6. Enhance streetscapes along road corridors and monitor and control billboards and other large signs;

7. Provide for the extension of existing and future planned pedestrian and bicycle systems through commercial areas in the Township;
 8. Accommodate planned interconnected Township and regional open space within commercial areas;
 9. Protect large trees and other natural resources in accordance with the conservation design process in the Subdivision and Land Development Ordinance; and,
 10. Protect property values.
- C. Conflict - In the case of conflict between this §823 and the other requirements of this Ordinance or the Subdivision and Land Development Ordinance, the more restrictive standard shall apply.

823.2 Land Development Standards

- A. 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 Township Subdivision and Land Development Ordinance.
- B. Traffic Design - Large-scale retail/commercial developments shall comply with the traffic and circulation design standards in the Subdivision and Land Development Ordinance..
- C. Pad Sites as Part of Large-scale Retail/commercial Development - For pad site buildings located within one hundred fifty (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.
- D. Common Open Space - Common open space shall be provided in accordance with the recreation land dedication requirements of the Township Subdivision and Land Development Ordinance.
1. The common open spaces shall follow the design requirements in the Subdivision and Land Development Ordinance.
 2. In calculating common open space as required by the Subdivision and Land Development Ordinance, the following standards shall apply:
 - a. Areas Not Credited - Lands within the following areas shall not be counted towards the required common open space or pedestrian amenities:
 - (1) Private yards;
 - (2) Landscaping and screening otherwise required by this ordinance and the Subdivision and Land Development Ordinance;
 - (3) Public or private roads or rights- of- way;
 - (4) Parking areas and driveways for dwellings; and
 - (5) Water quality and stormwater detention ponds.

- b. Dimensional Requirements - Common open space areas shall have a minimum area of three hundred (300) square feet and in no case shall the length or width be less than ten feet. Common open space shall not exceed twenty thousand (20,000) square feet except where continuing an adjacent trail, park, or continuation of open space land.
3. Reserved.
4. 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 §701.1.
 - 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.
6. Landscaping - Landscaping shall meet the requirements of §701.1, §701.2 and the Subdivision and Land Development Ordinance.
7. Parking - Parking shall meet the requirements of §504.
8. Screening - In addition to the requirements in this §823.2D8, 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, complementary landscaping at time of planting, or combinations of the above. Landscaping shall meet the requirements of §701.2 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 accordance with §701.1 and §702.
9. Pedestrian and Bicycle Facilities - The development shall provide for safe pedestrian and bicycle access as set forth in the Subdivision and Land Development Ordinance.
10. Signs - All signs shall comply with the regulations in Article XI.
11. Building Vacancy and Reuse
- a. Bond Required - A maintenance/restoration bond shall be established by the applicant to ensure the building and all amenities on the site are maintained if the building becomes vacant. The amount of such bond shall be based on estimates prepared by a registered professional engineer at the cost of four (4) years of maintenance of all site improvements and the cost of razing the building and removing all demolition materials. The estimates shall be increased by fifteen (15) percent to reflect inflation.
 - b. Vacancy - If the building remains vacant for one (1) year and site improvements are not maintained over this period, the Township may exercise the bond to pay for site maintenance. If the building remains vacant for a period of four (4) years, the Township may exercise the bond to remove the building from the site.

824 Reserved

825 Mineral Extraction

825.1 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. Planning Code §603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at §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.

825.2 Intent

The intent of this §825 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.

825.3 Use Classification; Mineral Processing a Separate Use

- A. Use Classification - Mineral extraction shall be allowed only in those Districts as listed in the Schedule of Uses.
- B. Mineral Extraction, Minor - The intent of this §825.3B is to permit mineral extraction operations limited in area, duration and mechanical operations.
1. Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*.
 2. The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit.
 3. The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted.
 4. *Mineral extraction, minor* uses shall be exempt from the plan submission requirements of this §825; however, said operations shall comply with the operational and rehabilitation standards.
- C. Mineral Processing (See also §826.)
1. Separate and Distinct Use; Conditional Use in Specified District - Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated by this Ordinance.
 2. Incidental with Extraction Operation - This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.

825.4 Standards

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

- A. Parcel Size: The minimum parcel size shall be ten (10) acres for *mineral extraction, minor* and fifty (50) acres for *mineral extraction*.
- B. Setback - A setback of one hundred (100) feet shall be maintained between any disturbed area associated with any mineral extraction operation and adjoining properties and public road rights-of-way.
- C. Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.
- D. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the

Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
2. Buffers shall be designed in accord with §701.1 and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Township Subdivision and Land Development Ordinance.
3. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

D. Access Routes; Road Conditions

1. Mineral extraction operations shall be permitted only on sites using access to a state road.
2. The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

E. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

825.5 Local, State and Federal Regulations

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

825.6 Information Requirements

The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Township Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4F and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

- A. 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*.

- B. Surface and Ground Water Protection, Traffic Impact Study and Environmental Impact Statement - The Township shall require for *mineral extraction* and may require for *mineral extraction, minor*, the applicant to submit details about ground and surface water protection (see §701.12), an Environmental Impact Statement (see §703), and a Traffic Impact Study (see §708).
- C. Emergency Response - The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.

825.7 Reporting Requirements

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

§825.8 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §825.

826 Mineral Processing

In addition to the performance standards in §701 and all other applicable standards of this Ordinance, the requirements of this §826 shall apply.

826.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

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

for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.

4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

826.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

826.3 Information Requirements

The applicant shall provide the information required by this §826.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §826, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. Additional Information - The Township may require the applicant to submit details about ground and surface water protection (see §701.11) and an Environmental and Community Assessment
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.
- D. 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.

826.4 Reporting Requirements

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

827 - 840 Reserved

841 Self-Storage Facilities

Self-storage facilities shall be permitted only in those districts as specified in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards of this Ordinance.

841.1 Bulk Requirements

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

841.2 Setback Areas

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

841.3 Fence

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

841.3 Habitation

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

841.4 Storage Limitations

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.

841.5 Lighting

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

841.6 Fire - Water Damage

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

841.7 Materials Stored

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

842 to 844 Reserved**845 Shopping Centers, Malls, and Multiple Occupant Commercial Establishments**

It is the intent of this §845 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as *multiple occupant commercial establishments*) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- C. Providing safe and convenient vehicle and pedestrian access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- D. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for shopping center patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;

- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

845.1 Conditional Use and Land Development

Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this §845.

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

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

845.2 Ownership

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

846 Reserved

847 Solar Power Generation, Commercial

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Schedule of Uses.

847.1 Purposes

The purpose of this §847 is to:

- A. 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.

- B. Critical Development Areas - Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.
- C. 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.
- D. Traffic - Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

847.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every solar power facility installed in the Township.
- B. Associated Use - All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- C. Solar Power Facility as a Second Principal Use - A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

847.3 Standards and Design

- A. Parcel Size; Location; Setbacks; Lot Coverage
 - 1. The minimum parcel size shall be ten (10) acres.
 - 2. The parcel shall not be more than three (3) miles from a utility substation with the capacity to service the proposed facility.
 - 3. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet from property lines.
 - 4. The maximum lot coverage shall be seventy-five (75) percent and the area of the solar collectors shall be included in the calculation of lot coverage.

- B. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
- C. Fencing - A fence may be required around the facility or portions of the facility for safety reasons.
- D. Landscaping - Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- E. Licenses; Other Regulations; Insurance - The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.
- F. Access; Required Parking - Access to the solar power facility shall be provided by means of a public with the capacity to carry the anticipated amount and type of traffic. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers.
- G. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- H. Glare - The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.
- I. Historic Structures - A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.
- J. Standards; Certification - The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- K. Uniform Construction Code - To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- L. Electrical Components - All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- M. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

- N. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- O. Transmission and Power Lines - On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- R. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

847.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

847.5 Decommissioning

- A. Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Professional Engineer - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security Bond - The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.

- G. Landowner Responsibility - If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- H. Township Intervention - If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

848 to 849 Reserved

850 Storage Yards for Forest Products and Stone

The intent of this §850 is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals. (See definition of *storage yards for forest products and stone* in Article III.)

850.1 Access to Public Roads

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

850.2 Setbacks

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than three hundred (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.
- B. Property Lines - Storage yards shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.

- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

851 Swimming Pool, Commercial

Commercial swimming pools shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to all other applicable requirements of this Ordinance, shall comply with the standards in this §851.

851.1 Setback

The water surface shall be not less than fifty (50) feet from any lot line.

851.2 Parcel Size

The minimum lot area shall be two (2) acres.

851.3 Enclosure

A fence, wall or other enclosure not less than six (6) feet high and of a design to restrict access shall completely surround the area of the swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.

851.4 Access

Access to all pools shall be restricted when the pool is not in use.

851.5 Hours of Operation

The hours of operation of outdoor commercial pools shall be limited to the hours between 9:00 a.m. and 9:00 p.m.

852 - 855 Reserved

856 Vehicle Related Uses

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §856.

856.1 Car and Truck Wash Facilities

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. 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.
- C. 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 seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- D. 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 (3) automobiles.

- E. Any wash facility located within two hundred (200) feet of any residential district shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

856.2 Gasoline Service Stations and Vehicle or Equipment Repair Operations

All gasoline service stations and vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- A. All service and repair activities shall be conducted within in 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.
- B. 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. If a legitimate, bonafide, service station stores more than four (4) vehicles per interior service stall, it shall comply with the junk regulation set forth in this Ordinance.
- C. 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.
- D. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- E. Gasoline pumps and other service appliance may be located in the required front setback but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- F. No vehicles shall be stored in any required setback areas.
- G. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any residential district.
- H. All major 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.

856.3 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:

- A. All principal and accessory buildings and structures shall be in accord with the setback, building height and lot coverage requirements of the district.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.

- C. 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 §856.2.
- D. 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 legitimate, bonafide, service station stores more than four (4) 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.
- E. 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.
- F. 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. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.
- G. No vehicles shall be stored in any required setback areas.

856.4 Race Tracks

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

- A. Setbacks - All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than five hundred (500) feet from any property line or public road right-of-way, and shall not be less one (1) mile from any R District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
- B. Animal Race Tracks - In addition to the other standards in this §856.4, the following additional standards shall apply to animal race tracks:
 - 1. The race course for any animal race track shall not be less than five hundred (500) feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
 - 2. Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than one hundred (100) feet from any property line or public road right-of-way.
 - 3. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Supervisors demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.
- C. Buildings - All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations - No race shall be conducted between the hours of 9:00 P.M. and 9:00 A.M., and all track lighting shall be extinguished by 10:00 P.M. However, the Township may establish more restrictive time limits and limit the days of operation as a condition of approval.

- E. Repair Activities - All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- F. Tire and Part Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- G. Storage - No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation - Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.
- I. 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 race track, the Board of Supervisors may require the Applicant to provide a bond and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

857 Reserved

858 Wind Energy Facilities

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind farms which shall be permitted as conditional uses only in the districts as provided by the Schedule of Uses.

858.1 Purposes

- A. To accommodate the need for wind farms while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.

- B. To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

858.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind farm and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind farm (including a business office, maintenance depot,, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm, unless otherwise permitted in the zoning district in which the wind farm 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 farm.
- C. Wind Farm as a Second Principal Use - A wind farm shall be permitted on a property with an existing use subject to the following land development standards:
1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm 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.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

858.3 Standards

- A. Wind Farm 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.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind farm 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 thirty (30) feet.
 2. Lease, License or Easement - If the land on which the wind farm 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 thirty (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 five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- C. Wind Farm 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 farm and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.

- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- E. Landscaping - Landscaping may be required to screen as much of the wind farm 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 farm 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.
- F. 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 farm; 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 farm.
- G. Access; Required Parking - Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind farm 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.
- H.. 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.
- I. 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 farm developer.
- J. Historic Structures - A wind farm shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- K. Discontinued Use - Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. 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.

- L. Site Plan - A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.

858.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

858.5 Decommissioning

- A. Time Limit - The facility owner and operator shall, at its own expense, complete decommissioning of the facility, or individual components, within twelve (12) months after the end of the useful life of the facility or individual components. The facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- C. Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Professional Engineer - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security Bond - The facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. Landowner Responsibility - If the facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- H. Township Intervention - If neither the facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been

satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

§858.6 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 eighteen (18) months of installation.

ARTICLE IX NONCONFORMITIES

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of this Ordinance, as amended, , property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Article is to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

901.2 Applicability

The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by §903 or §904. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

901.3 Registration

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

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

902 Definitions

902.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where

such a lot is situated, such lot having been created and recorded in the office of the Monroe County Recorder of Deeds prior to the effective date of this Ordinance, as amended.

902.2 Nonconforming Structure

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

902.3 Nonconforming Structure, Alteration or Expansion

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

902.4 Nonconforming Structure, Reconstruction

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

902.5 Nonconforming Use

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

902.6 Nonconforming Use, Change

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

902.7 Nonconforming Use, Extension

The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

902.8 Nonconforming Use, Reestablishment

The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Ordinance.

903 Nonconformities Under Development

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding

permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Special Exceptions

All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria contained in Article XI and the review factors in §912. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Zoning Hearing Board in accord with classification of the uses in the Schedule of Uses. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an R Residential District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

906.2 Conforming Changes and Conversions

- A. Change - A change in a nonconforming use to a conforming use shall not be considered a special exception unless the proposed use is classified as a special exception by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. Conversion - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a 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.

906.3 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

907 Extension of Nonconforming Uses

907.1 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 Article XI, and the review factors in §912.

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

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

907.3 Extension Limitation

In the R District, an extension of land or structure utilized for the non-conforming use shall be limited to a total increase not to exceed twenty-five (25) percent of land and twenty-five (25) percent of structure beyond what existed on the effective date of this Ordinance. In all other Districts such extension shall be limited to a total increase not to exceed fifty (50) percent of land and fifty (50) percent of structure beyond what existed on the effective date of this Ordinance. All such extensions of a non-conforming use may be permitted in successive increments for a total

up to the increase permitted; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.

907.4 Prohibited Extensions

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

908 Reconstruction

908.1 Time Limit

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

- A. The application for a building permit is submitted and the reconstruction is completed within twenty-four (24) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created.
- C. It was not voluntarily demolished. (See §908.5.)

908.2 Procedure - Permits

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

908.3 Reconstruction Prohibited

A nonconforming structure that has been damaged or destroyed by more than seventy-five (75) percent of its appraised fair market value by any cause shall not be rebuilt in any nonconforming manner. Any structure not reconstructed within the required twenty-four-month period shall be deemed abandoned and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Ordinance.

908.4 Extension

The Zoning Officer may, for good cause shown by the owner, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

908.5 Demolition

If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the cost to replace the entire structure or use in accord with the most current construction standards, the reconstruction shall comply with current setback, lot coverage, height and other requirements of this Article.

909 Abandonment and Reestablishment of Nonconformities

909.1 Abandonment

Unless extended in accord with this §909, if a nonconforming use of land or structure ceases operations, is

discontinued, is vacated or is otherwise abandoned for a period of eighteen (18) months or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

909.2 Extension

The Zoning Hearing Board may, as a special exception and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §1208, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

910 Alterations and Expansions of Nonconforming Structures

910.1 Alterations

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

910.2 Procedure - Permits

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

910.3 Nonconforming Setbacks

A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance.

910.4 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

911 Use of Nonconforming Lots of Record

911.1 Single Family Dwelling

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

- A. Setbacks - See Schedule of District regulations, Part 3.
- B. Other Standards - All other applicable standards in this Ordinance are satisfied.
- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

911.2 Commercial Uses

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

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

912 Review Factors

In addition to the standards in §1208, Article VII, and other applicable requirements, the Township shall consider any nonconformity special exception application in terms of the effect on the following factors:

912.1 Nuisance Considerations

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

912.2 Specific Considerations

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in §912.2B below.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum. Setbacks and buffers shall be provided in accord with §701.1.
- C. Setbacks - No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.
- D. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. The Township may require vegetative screening of the parking area from nearby residential areas in accord with §701.1.

ARTICLE X
OWNERSHIP AND MAINTENANCE OF
CONSERVATION OPEN SPACE, OPEN LAND, RECREATION LAND, AND COMMON FACILITIES

This Article X shall apply to any development which involves the ownership and maintenance of conservation open space land, open land, recreation land, or common facilities (referred to as "common area" in this Article) as required by this Ordinance and the Township Subdivision and Land Development Ordinance.

1001 Purpose

The requirements of this Article X are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

1002 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common area. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Township.

1003 Use Restriction

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Township Subdivision and Land Development Ordinance.

1004 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

1005 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

All methods for use dedication and common area ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

1005.1 Property Owners Association or Condominium Agreements

All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities.

1005.2 Transfer to a Private Conservation Organization

In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common area ownership and maintenance standards of this Article and this Zoning Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization is unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

1005.3 Deed Restricted Private Ownership

On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

1005.4 Deed or Deeds of Trust

The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

1005.5 Conservation Easements Held by the Township

In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture,

forestry enterprises and other uses permitted on open land in accord with this Ordinance, and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

1005.6 Fee Simple and/or Easement Dedication to the Township

In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Township agrees to and has access to maintain such lands.

1006 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Area

Should the method established for the dedication of use and operation and maintenance of common area fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

1006.1 Notice

The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common areas.

1006.2 Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

1006.3 Public Hearing

A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Zoning Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

1006.4 Failure to Correct

In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.

1006.5 Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

1006.7 Appeal

Any party to the action of the Board of Supervisors may appeal such action to court as provided for zoning appeals

in the Pennsylvania Municipalities Planning Code, as amended.

1006.8 Public Costs

The costs of the preservation of use dedication and the cost maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in §1006.1, shall file the required notice of lien against the properties.

ARTICLE XI SIGNS

1101 General

1101.1 Purpose

The Purpose of this Article XI is to establish standards for the regulation of signs in order to safeguard the public interest and to:

- A. preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
- B. establish reasonable time, place and manner for the exercise of free speech, without regulating content;
- C. protect property values and ensure compatibility with the character of neighboring uses;
- D. protect the general public from damage and injury which may caused by the faulty construction of signs;
- E. protect pedestrians and motorists from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;
- F. promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
- G. assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
- H. enable the fair and consistent enforcement of the sign restrictions throughout the Township.

1101.2 Applicability – Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Article. The effect of this Article as more specifically set forth herein is to:

- A. 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;
- B. 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;
- C. provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
- D. prohibit all signs not expressly permitted by this Article.

1101.3 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.

1101.4 Recommended Types of Signs

It is recommended that signs be:

- A. Wood or simulated wood relief. (See §1104.11.)
- B. Designed as an integral architectural element of the building and component of the site.
- C. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

1102 Definitions and Interpretation

Words and phrases used in this Article VII shall have the meanings set forth in this Section. Words and phrases not defined in this §1102 but defined in Article III shall be given the meanings set forth in said Article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article.

A-Frame or Sandwich Board Sign: A movable sign consisting of two faces, connected and hinged at the top.



A-Frame / Sandwich Board

Abandoned Sign: A Sign located on a property or premise which is vacant and/or unoccupied for a period of six (6) months, or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the date of the damaging event and/or for which no legal owner can be found.

Advertising Sign, Off-premises: A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.

Animation: The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

Applicant: A person or entity who applies for a sign permit in accordance with the provisions of this Article.

Area of Sign: In the case of individual letters used as a sign, the area is ninety (90) percent of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

Attraction Board: See *changeable panel sign*.

Automated Teller Machine Directional Sign: A directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated Teller Machine Sign: Any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning Sign: Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.

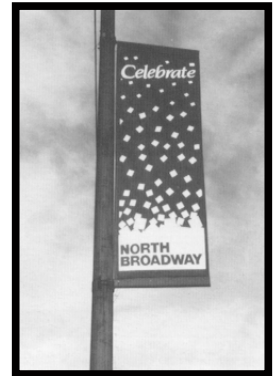


Awning Sign

Banner Sign: A sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or similar material excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.



Civic Event Banner

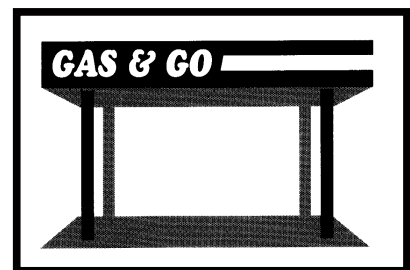


Banner Sign

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.

Business: For the purposes of this Article VII, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

Business Name: The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.



Canopy Sign 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 business, product, service, or other commercial activity.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property

on which the sign is located.

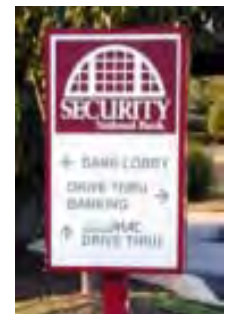
Contractor or Subcontractor Signs: The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

Development Sign: A temporary sign used to identify an approved future development.



Development Sign

Directional Sign – An on-site sign, providing no advertising of any kind except the business 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.



Directional Sign

Directory Sign: A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

Double-Faced Sign: A sign with two faces, essentially back to back.

Easel Sign: A self-supporting, movable sign consisting of one (1) face with supporting legs or a supporting frame, or a sign displayed on an easel.

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.



Directory Sign

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.

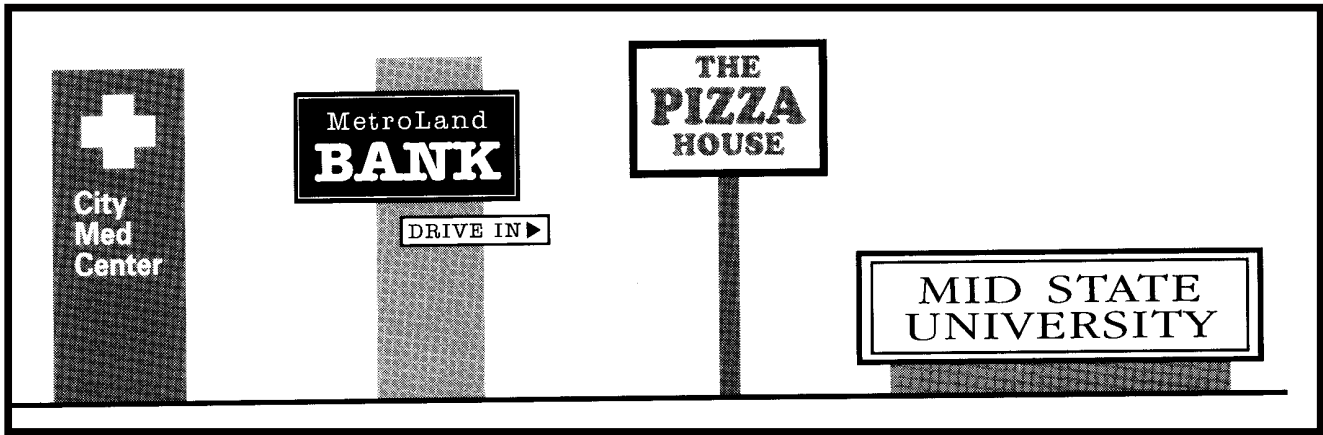
Facade: Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

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. (See next page for illustrations.)

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A



MONUMENT PYLON POLE GROUND
Common Freestanding Sign Types

business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: See §1104.3C.

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this Article.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Incidental or Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental or instructional.

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.



Internal and External Illumination



Incidental Sign or Instructional Sign

LED: Light emitting diode.

Lineal Building Front Foot: The length of the building which contains the primary entrance used by patrons. In a center with more than one (1) building, the linear building front foot shall be calculated for each building and totaled to determine the total lineal front foot for the center.

Logo: A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

Luminance: A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

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.

Noncommercial Free Speech Sign: A sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters and which does not meet the definition of a *political sign*.

Occupancy: A purpose for which a building, or part thereof, is used or intended to be used.

Owner: A person recorded as such on official records. For the purpose of this 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.

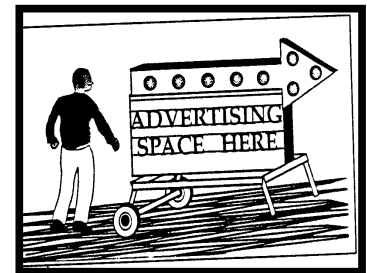
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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.

Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

Projecting Sign: Any sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.



Projecting Sign

Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

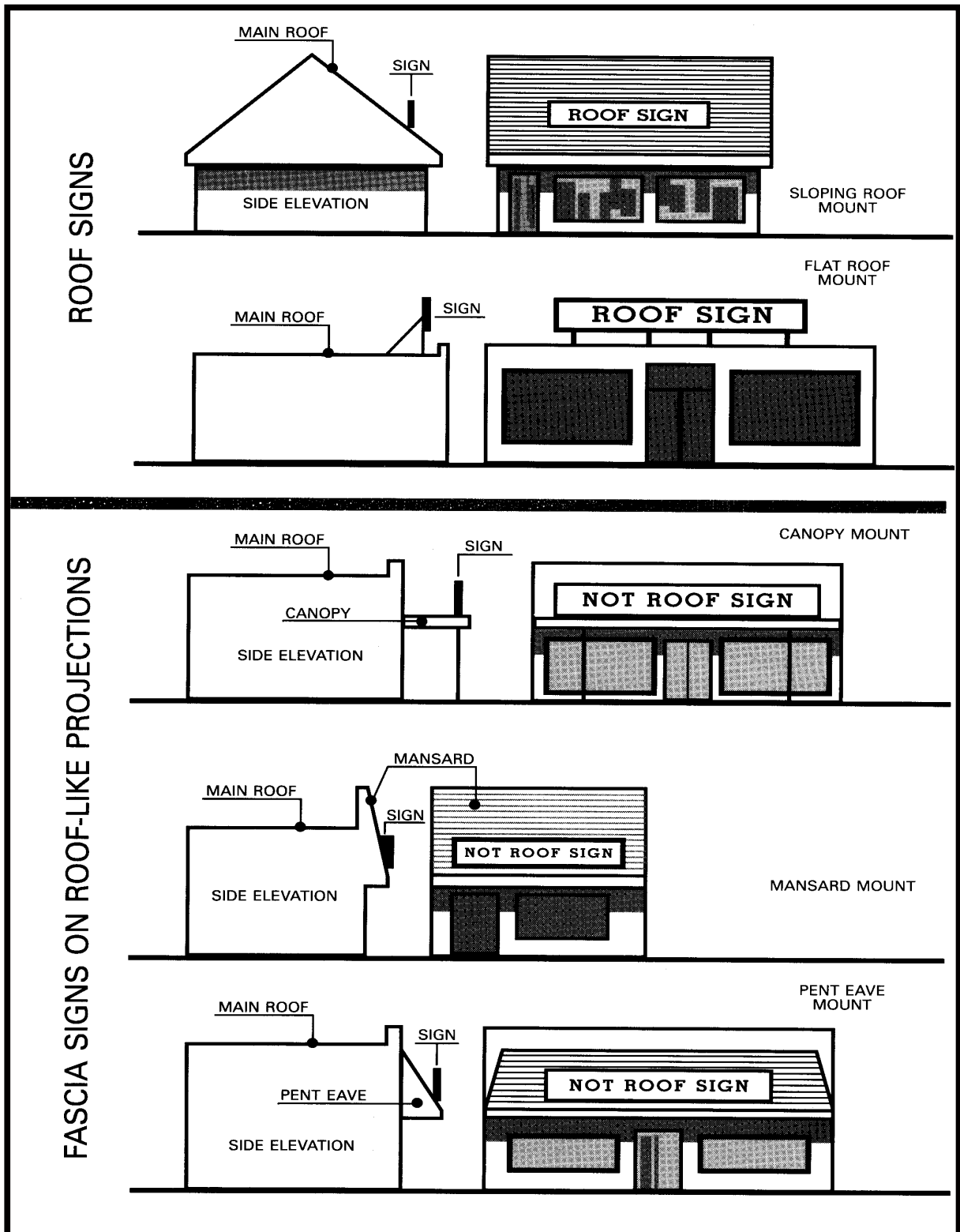
Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Right-of-Way: No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

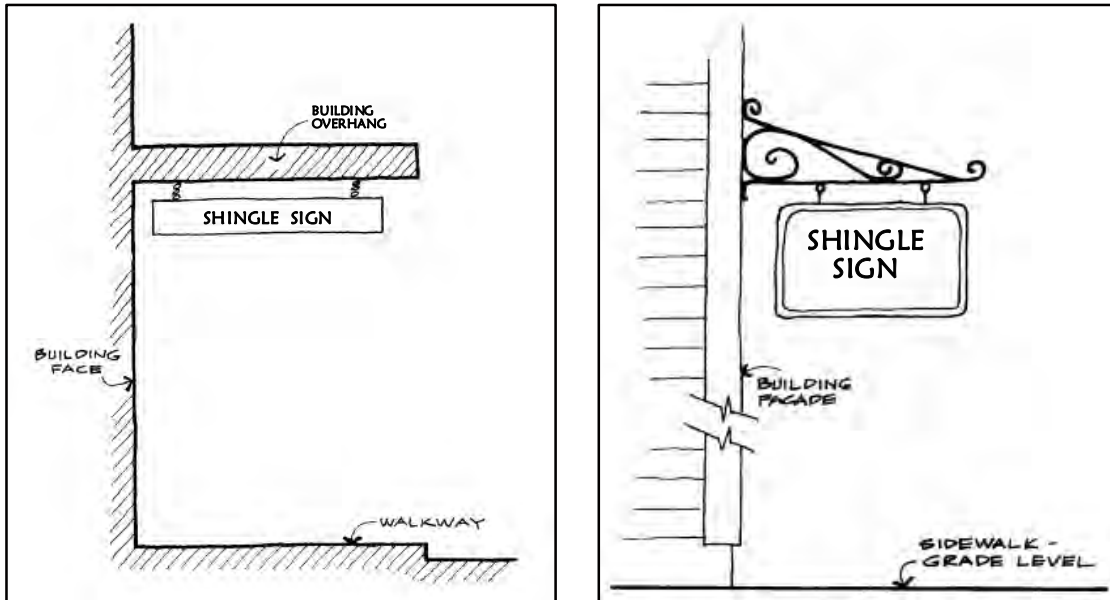
Roof Sign: Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of

a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs.



Comparison – Roof and Fascia Signs

Shingle Sign: A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.



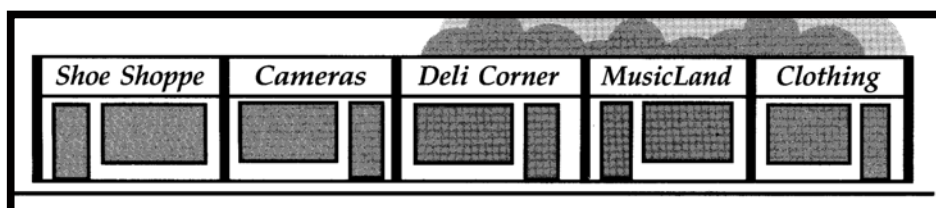
Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Monroe County, the Township, or official historic plaques of any governmental jurisdiction or agency.

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.

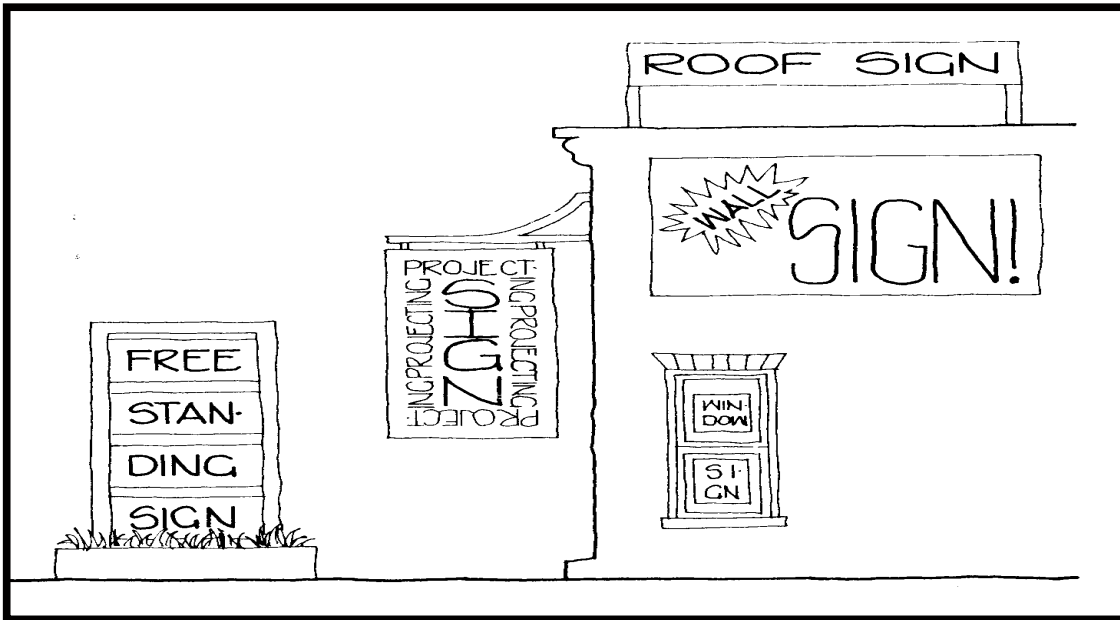
Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

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. (See next page for illustration.)



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 window pane which is intended to be read from the exterior of the building.



Sign Comparison

1103 Procedures

The procedures included in this §1103 shall apply to all signs requiring permits.

1103.1 Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Article. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Article.

- A. Exempt signs as specified in §1104.2.
- B. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

1103.2 Permit Application

Applications for sign permits shall be submitted to the Zoning Officer in accord with §1202 and shall, at a minimum, contain or have attached thereto the information listed in this section.

- A. Name, address, and telephone number of the applicant.
- B. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- C. Name of person, firm, corporation, or association erecting the sign.
- D. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

- E. A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- F. An elevation of such sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
- G. A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
- H. Calculation of the total sign square footage permitted.
- I. Copies of any other permit required and issued for said sign, including PennDOT and the Uniform Construction Code.
- J. Additional information as may be required by the Zoning Officer.

1103.3 Issuance Of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance 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.

1103.4 Permit Fees

- A. 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.
- B. 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 in order to obtain a permit for the conforming sign.

1104 General Requirements

1104.1 Prohibited Signs

All signs not expressly permitted or exempted under this Article from regulation are prohibited. Such prohibited signs include, but are not limited to the following:

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in §1105.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under the Section 1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in Section 1105 of this Ordinance.
- C. 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.
- D. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §1110), or through the impression of

movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Article.

- E. Mirrors - Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
- F. Portable and Wheeled Signs - Portable and wheeled signs, except as a temporary sign, as provided for in §1105 of this Ordinance.
- G. Projecting Signs - Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.
- H. Signs on Parked Vehicles - Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
- I. 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.
- J. 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.
- K. Emissions - Signs which emit any sound, odor or visible matter such as smoke.
- L. Misinformation - Signs which contain information that states that a lot may be used for a purpose not permitted under this Article.
- M. Obscene or Pornographic - Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
- N. Snipe Signs - Snipe signs.

1104.2 Exempt Signs

The following signs are hereby exempt from the permit provisions of this Article.

- A. Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two (2) square feet.
- B. 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 accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
- C. Noncommercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial

purpose.

- D. 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.
- E. 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.
- F. 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.
- G. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events which are non-commercial in nature.
- H. Name and Address Plates - Wall signs, one per street frontage and not exceeding one and one-half (1.5) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- I. 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) not exceeding two (2) square feet.
- J. Parking Lot Directional and Instructional Signs
 - 1. Directional Signs - Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) 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.
 - 2. Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet nor exceeding an aggregate surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- K. 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.
- L. Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four square feet in aggregate surface area.

- M. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties
- N. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.
- O. 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 not exceeding four square feet in aggregate area.
- P. 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.
- Q. 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.
- R. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
- S. 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.

1104.3 Construction Requirements

All signs permitted by this Article shall be constructed in accord with all construction code requirements and the provisions of this §1104.3.

- A. Sign Faces - All signs may be multi-faced.
- B. Computation of Sign Area
1. 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.
 2. Supporting members of a sign shall be excluded from the area calculation.
 3. 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.
 4. 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 of the letters and symbols. Any illuminated background shall be considered part of the sign and included in the area calculation.

5. The maximum area of a sign shall apply individually to each of the two sides of a sign, provided that only one side of a sign is readable from any location.

C. Computation of Sign Height

1. 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.
2. Normal grade shall be construed to be the lower of:
 - a. existing grade prior to construction, or
 - b. the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
3. 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.

- D. Wind Pressure and Dead Load Requirements - All signs and other advertising structures shall comply with the wind pressure and dead load requirements of the Uniform Construction Code.

- E. Construction of Supporting Members or Braces - Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive incombustible material. Every means or device used for attaching any sign to a building shall be approved by the Zoning Officer.

- F. 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.

- G. Overhead Electrical Wiring - Overhead electrical wiring is prohibited and all electric signs shall be listed by a recognized testing laboratory.

- H. Public Right-Of-Way; Setbacks - No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No freestanding sign other than official traffic signs shall be erected or maintained less than ten feet to the edge of any public road right-of-way and not less than ten feet from side and rear property lines.

- I. 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.

- J. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.

- K. 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.

- L. 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.
- M. Obstruction to Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- N. 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, and all signs shall comply with the clear sight triangle requirements of this Article.
- O. 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.
- P. 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.
- Q. Wall Signs
 - 1. 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.
 - 2. The face of a wall sign shall not project more than fifteen (15) inches from the outside of the building's wall surface.
 - 3. 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 (3) sides of a building.

1104.4 Maintenance

- A. Maintenance - The owner of any sign 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. Restoration or painting which changes the name, size, or location of a sign shall require a new permit.
- B. Painting Requirement - The owner of any sign shall be required to have all parts and supports of a sign properly painted as directed by the Zoning Officer, unless they are galvanized or otherwise treated to prevent rust and deterioration.
- C. 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.

1104.5 Illumination

All signs permitted by this Article may be illuminated in accord with the provisions of §701.8 and the following:

- A. Type of Illumination - Illumination may be by internal, internal/indirect or by indirect means.
- B. Flashing - Flashing signs are prohibited in accord with §1104.1D. (See §1110 for permitted electronic signs.)
- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. 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.
- D. Floodlighting - Floodlighting of signs shall be arranged so that the source of light is not visible from any point of the lot and so that only the sign is directly illuminated.

1104.6 Signs on Roof

No sign attached to a building shall be placed on nor shall extend above any part of the building roof.

1104.7 Awning and Canopy Signs

- A. 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:
 - 1. Awning or canopy signs shall be limited to one (1) per site.
 - 2. Awning and canopy signs shall only display the business name, logo, address and name of the proprietor or property owner. Letters or numerals shall not exceed a height of 12 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.
 - 3. Letters and numerals shall be permitted on the sloped surface of an awning, provided that the business 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.
 - 4. An awning or canopy may extend into the road right-of-way, but shall not extend beyond a point one (1) foot back from the vertical plane formed by the road curb line. An awning or canopy shall not extend beyond a point one (1) foot back from the vertical plane formed by the curb line.
 - 5. An awning or canopy may not extend more than six feet from the building.
 - 6. No awning or canopy sign shall extend into a required side or rear setback.
 - 7. The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 - 8. 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.

9. An awning or canopy sign shall not be internally illuminated.
- B. 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:
 1. Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
 2. There shall not be more than one service island canopy sign on each face of the canopy.
 3. The gross surface of a service island canopy sign shall not exceed 50 percent of the surface area of the canopy face to which it is attached.

1104.8 Window Signs

Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- A. Location - Signs on or inside the windows of a business are permitted, but no signs are permitted in unglazed openings, and any interior sign placed within three (3) feet of the window pane shall be considered a window sign.
- B. Area - No more than twenty-five (25) percent of any window pane that is more than three (3) feet in any dimension may be used for such signs. The area of any business identification sign shall be deducted from the total sign area allowed for the use on the property and the total of all window signs shall not exceed fifty (50) percent of the total sign area allowed for the entire business use.
- C. Sign Copy - Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.
- D. Illumination - Window signs may be internally illuminated

1104.9 Freestanding Sign Landscaping

All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four (4) square feet of landscaping for one (1) square foot of sign area, but in no case less than one hundred twenty (120) square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord with §701.2.

1104.10 Flags

Flags shall be permitted for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, subject to the following:

- A. Business Identification - The flag shall only identify the business.
- B. Flag Pole - The flag shall be suspended from a pole and the maximum height shall be thirty-six (36) feet. The flag pole shall be placed within a landscaped setting of not less than one (1) square foot for every one (1) foot of each flag pole

- C. Number and Area - Each business shall be limited to one flag with a maximum area of twenty-four (24) square feet.
- D. Illumination - Flags may be illuminated in accord with §701.8.
- E. Government Flags - The United States Flag, the Commonwealth of Pennsylvania Flag and other governmental flags are not restricted by the provisions of this section.

1104.11 Wood Relief Sign Area Bonus

- A. Area Bonus - The following signs shall be eligible for an increase in size of fifty (50) percent provided the sign complies with the requirements of this §1104.11 in addition to all other applicable requirements:
 - 1. Residential development road entrance signs (§1106.2).
 - 2. Nonresidential use signs in residential districts (§1107).
 - 3. Individual business identification signs (§1108.1).
 - 4. Shopping center, mall and multiple occupant business identification signs (§1108.2).
 - 5. Business subdivision road entrance signs (§1108.3).
- B. 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.
- C. Architectural Element The sign shall be designed as an integral architectural element of the building and component of the site.
- D. Restrained and Compatible - Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
- E. Height - The signs shall not exceed a height of fifteen (15) feet.

1105 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §1105.

1105.1 General Conditions

- A. Permit Required - A permit shall be required unless a certain type of temporary sign is specifically exempted.
- B. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
- C. Illumination - Unless specifically permitted for certain signs, temporary signs shall not be illuminated in accord with this Article.
- D. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs.

1105.2 Temporary Business Banners, Flags and Signs

Temporary business banners, flags and signs (referred to as *temporary business signs*) in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - There shall not be more than five temporary business signs per lot, but such signs shall not be permitted on residential lots. Decorative flags that simply include abstract colors or patterns that include no text are not regulated by this Article, provided they do not exceed five per lot or business.
- B. Area - The aggregated area of all temporary business signs shall not exceed sixty (60) square feet. No individual sign shall exceed twenty (20) square feet.
- C. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary business signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary business signs shall be displayed for a maximum of fifteen (15) consecutive days with a maximum of one (1) event per calendar quarter.
- F. Permit Not Required - A permit shall not be required for temporary business signs.

1105.3 Temporary Development Signs

Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- A. Number - There shall not be more than one temporary development sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
- B. Maximum Area
 - 1. Residential districts - eight (8) square feet.
 - 2. Nonresidential districts – thirty-two (32) square feet.
- C. Location - Temporary development signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
- D. Height - Temporary development signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary development signs shall be permitted only accessory to an approved zoning permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or

development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

1105.4 Temporary Contractor or Subcontractor Signs

Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
- B. Maximum Area
 - 1. Residential districts - eight (8) square feet.
 - 2. Nonresidential districts – thirty-two (32) square feet.
- C. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is actively working. Such signs may be located in any required setback area, but shall not extend over any lot line or within 15 feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary contractor or subcontractor signs shall be permitted only accessory to an approved building permit for a project or development. Temporary contractor or subcontractor signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.
- F. Permit Not Required - A permit shall not be required for temporary contractor or subcontractor signs.

1105.5 Noncommercial Temporary Event Signs Including Banners

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

- A. Number - There shall be not more than two (two) temporary event signs per lot.
- B. Maximum Area
 - 1. Residential districts – sixteen (16) square feet.
 - 2. Nonresidential districts – forty (40) square feet.
- C. Timing - Temporary event signs may be erected and maintained for a period not to exceed sixty (60) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within seven (7) days of the termination of such campaign, drive, activity, or event.

1105.6 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

- A. Location - On private property, temporary political signs may be located in any required setback area.
- B. Height - Temporary political signs shall not project higher than fifteen (15) feet.
- C. Timing - Signs may be displayed for a period not to exceed sixty (60) days prior to the date of the election to which the signs are applicable and shall be removed within five days following the election.
- D. Road Setback - All political signs shall be located a minimum of five (5) feet from the edge of the paving or curb line of any public or private road, and shall not create a traffic hazard.
- E. Support - Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
- F. Permit Not Required - Prior to the erection of any political signs, the political candidate or the candidate's authorized representative shall obtain from the Township a permit for the general erection of said signs in the Township.)

1105.7 Temporary Real Estate Signs

Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary real estate sign for each one thousand (1,000) feet of lot road frontage for each road on which the lot fronts.
- B. Maximum Area
 - 1. Residential districts - six (6) square feet.
 - 2. Nonresidential districts - twenty-four (24) square feet.
- C. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary real estate signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary real estate signs shall be placed only when the premises is actively being marketed and shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- F. Permit Not Required - A permit shall not be required for temporary real estate signs.

1105.8 Temporary Yard or Garage Sale, Open House, or Auction Signs

Temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:

- A. Number – Three (3) per event.

- B. Maximum area – Four (4) square feet.
- C. Timing - Such temporary signs may be erected no sooner than seven (7) days before the event and must be removed no later than three (3) days after the event. No such sign shall remain erected for a period longer than ten (10) days.
- D. Permit Not Required - A permit shall not be required for temporary yard or garage sale, open house, or auction signs.

1105.9 Temporary Seasonal Agricultural Activity Signs

Temporary seasonal agricultural activity signs shall be subject to the following: (Examples of such signs include, but are not limited to, “Pick Your Own Berries,” “Christmas Trees,” or produce sales.)

- A. Area - The aggregate surface area of all signs shall not exceed 20 square feet.
- B. Location - Such signs shall be located only upon the premises where the seasonal agricultural activity is taking place. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- C. Height - Temporary seasonal farm product signs shall not project higher than fifteen (15) feet.
- D. Special Conditions - Such signs shall not be erected more than fifteen (15) days before the harvest of the produce and shall be removed within thirty (30) days from the end of the harvest.
- E. Permit Not Required - A permit shall not be required for temporary seasonal agricultural activity signs.

1106 Residential Uses

The following signs are permitted in all districts accessory to a permitted residential use.

1106.1 Residential Building Name and Address 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 (1) 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 (4) square feet.
- D. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within 15 feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs.

1106.2 Residential Development Road Entrance Signs

Residential development road entrance signs for 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 shall be subject to the following:

- A. Type - The residential development road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development.
- C. Area - Residential development road entrance signs shall not exceed thirty-two (32) square feet.
- D. Location - Residential development road entrance signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Residential development road entrance signs shall not project higher than eight (8) feet.
- F. Sign Faces - Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1107 Nonresidential Uses in R-Residential Districts

Principal nonresidential uses located in R-Residential Districts are permitted to have one (1) free standing and one (1) wall sign in accordance with the following regulations:

1107.1 Area and Height

- A. The maximum area and height of freestanding signs shall be twelve (12) square feet and eight feet respectively.
- B. The maximum area of wall signs shall be twelve (12) square feet. Window signs may be used in the place of wall signs with the same maximum square footage.

1107.2 Number

- A. The maximum number of freestanding signs shall be one (1) per lot. On a corner lot the sign shall be placed on the street of highest classification.
- B. The maximum number of wall signs shall be one (1) per principal building.

1108 RR, AR, C and I Districts

For all commercial, manufacturing, industrial, public and semi-public uses (referred to as *business* in this section) in the RR-Rural Resource, AR-Agricultural/Residential, C-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 §1108 and any other applicable provisions contained in this Article:

1108.1 Individual Business Identification Signs

The following provisions shall apply where an individual business is located on the lot:

- A. Total Square Footage Permitted - Total sign square footage permitted shall be determined by multiplying the length of lineal building front foot by a factor of one and one-half (1.5) square feet, up to a maximum of two hundred (200) square feet. The length of lineal building front foot is defined as the length of the side of the building adjacent and parallel to any public street. If building lineal front foot permits the maximum square footage, the total permitted square footage may be incorporated into a single wall sign, disallowing any other signs on site.
- B. Total Number Permitted - The total number of signs permitted shall not exceed two except as follows:
1. A site totaling over three hundred (300) feet of lot frontage may have an additional wall sign not exceeding thirty-two (32) square feet in area.
 2. Retail fuel sales signs are exempt from the total sign square footage limitation, but shall comply with §1108.5.
 3. Only one (1) freestanding or monument sign is permitted per lot, except on corner lots where one (1) may be permitted on each street frontage of arterial or higher classification.
- C. Permitted Signs by Type - The following signs are permitted provided all regulations are met and the total square footage permitted on the site is not exceeded. For the purposes of this section, mixed-use sites include buildings and centers with a combination of retail and office uses or a combination of retail, office and industrial uses.
1. Freestanding Signs
 - a. The maximum area, per side, for a freestanding sign shall be eight tenths (0.8) square feet times the lineal building front foot for office buildings and one and one-half (1.5) square feet times the lineal building front foot for other uses, with a maximum of fifty (50) square feet.
 - b. The maximum height of a freestanding sign shall be eighteen (18) feet and shall be a minimum of eight and one-half (8.5) feet above grade.
 2. Monument Signs - Monument signs are permitted as follows:
 - a. The maximum size of a monument sign shall be seventy-five (75) square feet.
 - b. Signs may be double faced:
 - (1) When the angle between sign faces measures forty-five (45) degrees or less, the total sign area shall be computed by measuring the square footage of a single face.
 - (2) When the angle between sign faces measures more than forty-five (45) degrees, the total sign area shall be computed by adding the square footage of each face.

- c. The maximum height of monument signs shall be six (6) feet for horizontally oriented signs and twelve (12) feet for vertically oriented signs.
3. Wall Signs - The area of a wall sign shall not exceed eight tenths (0.8) square feet times the lineal building front foot for office buildings and one and one-half (1.5) square feet for other uses, with a maximum one hundred twenty-five (125) square feet.

1108.2 Shopping Center, Mall and Multiple Occupant Business 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 businesses (commercial, manufacturing, industrial, public or semi-public uses) are housed in one (1) or more principal structures. If more than a total of two (2) regulated signs will be erected, an application for a Master Sign Program shall be submitted in accord with §1108.2A.

- A. Master Sign Program - An application for approval of a Master Sign Program shall be submitted in accord with the following:
 1. Application
 - a. Each individual sign proposed in accordance with an approved Master Sign Program must be applied for and permitted separately. Approval of a Master Sign Program shall not be deemed permission to construct any particular sign under that program.
 - b. Applications for approval of a Master Sign Program shall be submitted with the application for land development.
 2. Information - An application for a Master Sign Program shall include the following components.
 - a. The types of signs proposed.
 - b. A scale drawing indicating the location and position of each sign in relation to the building it is to be attached to, other buildings and signs within the center, and lot lines.
 - c. A scale drawing of each sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
 - d. An elevation of each proposed sign indicating the materials to be used, and the type of illumination, if any.
 - e. Written specifications governing the color, size, style, location, and other features of the proposed signs.
 3. Limitation on Freestanding Signs - No freestanding sign other than the main identification sign(s) in §1108.2B shall be permitted for any development.
 4. Total Area
 - a. The maximum square footage of all signs within a development, excluding the main identification sign, entrance markers, and traffic directional signs, shall not exceed one and one-half (1.5) square

feet times the lineal front foot of the building.

- b. In a development with more than one (1) building, the linear building front foot shall be calculated for each building and totaled to determine the total lineal front foot for the center on which the maximum square footage shall be calculated.
 - c. The area of individual signs shall not exceed the maximum size specified in §1108.1 for the type of sign proposed.
- B. Main Identification Sign - Main identification signs, as approved under a Master Sign Program, shall meet the following requirements:
1. Number and Area - The maximum number and area of main identification signs shall be one freestanding sign per arterial street of no more than one hundred (100) square feet, or one (1) monument sign per arterial street of no more than one hundred fifty (150) square feet, or one (1) wall sign facing each arterial street of no more than one hundred twenty-five (125) square feet.
 2. Content - Such signs shall not contain the names of tenants of the building or center except any tenant, occupying one-third or more of the gross floor area of any building or center may be identified on such main identification sign, with a maximum of two (2) such tenants identified.
 3. Height - The main identification signs shall not exceed eighteen (18) feet in height. Freestanding signs shall be a minimum of eight and one-half (8.5) feet above grade.
- C. Individual Occupant Wall Signs (See §1108.7 for shingle signs.)
- (a) Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
 - (b) Area - The surface area of a wall sign shall not exceed nine (9) 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.

1108.3 Business Subdivision Road Entrance Signs

Business subdivision road entrance signs for developments with two or more commercial, manufacturing, industrial, public and semi-public buildings (referred to as *business* in this section) indicating only the name of the development shall be subject to the following:

- A. Type - The business subdivision road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development.

- C. Area - Business subdivision road entrance signs shall not exceed thirty-two (32) square feet.
- D. Location - Business subdivision road entrance signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Business subdivision road entrance signs shall not project higher than five (5) feet.
- F. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1108.4 Automatic Teller Machine (ATM) Signs

ATM signs shall be permitted in association with an approved commercial use subject to the following:

- A. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- B. Area - The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.
- C. Permit Not Required - A permit shall not be required for automatic teller machine signs.

1108.5 Retail Fuel Sales

Retail fuel sales establishments shall in addition to the other permitted signs be permitted one (1) sign with up to four (4) fuel prices attached to the business 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 business sign. The prices shall be stationary but may be electronically controlled in accord with §1110.3.

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

1108.6 Changeable Panel Signs

One (1) 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.

1108.7 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 §1108.7.

- A. A shingle sign shall not exceed six square feet.
- B. Shingle signs shall be limited to two sign faces installed perpendicular to the building facade.
- C. No portion of a shingle sign shall be less than eight feet above any pedestrian walkway or the grade below the sign.
- D. No portion of a shingle sign shall project above the top of an eave or parapet.
- E. Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
- F. A shingle sign shall maintain a ten-foot separation from another shingle sign.
- G. Shingle signs shall be located at the business entrance.
- H. Single signs shall not be more than six inches or less than one inch thick.

1109 Off-Premises Advertising Signs and Billboards

An off-premises sign or billboard shall be permitted only in the C-Commercial District in accord with the following requirements:

1109.1 Maximum Individual Sign Area

The maximum sign area shall be three hundred (300) square feet.

1109.2 Location

- A. Lot Lines and Street Rights-of-Way - An off-premises sign shall be set back a minimum of twenty-five (25) feet from all lot lines and street rights-of-way.
- B. Residential Use or District - No off-premises sign greater than ten (10) square feet shall be located within two hundred (200) feet of any residential use or district.

1109.3 Spacing; Number

- A. Spacing - Off-premises signs shall be separated from each other by at least one thousand five hundred (1,500) feet, including such signs on either side of a street and including nonconforming off-premises signs and existing off-premises signs in other municipalities.
- B. Number - No lot shall include more than one (1) off-premises sign.

1109.4 Maximum Height - The maximum sign height shall be:

- A. Signs up to sixty (60) square feet - twenty-five (25) feet.
- B. Signs over sixty (60) square feet (billboards) - eighteen (18) feet.

1109.4 Attached

No off-premises sign or sign face shall be attached in any way to any other off-premises sign or share a support

structure except that a sign may be double-faced with each face having the maximum area permitted in §1109.1, provided the angle between the faces does not exceed forty-five (45) degrees. Off-premises signs shall not be stacked on top of one another.

1109.5 Control of Lighting and Glare

Lighting and glare shall conform to the standards in §701.8 and §1104.5.

1110 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.

1110.1 Location, Number Size and Height

- A. Location - Electronic message signs shall be located only on parcels within the C-Commercial District.
- B. Number - Each development parcel shall be limited to one (one) electronic message sign which is used in lieu of another permitted sign. In the case of a shopping center, mall or multiple occupant business comprised of several parcels, one (1) electronic message sign shall be permitted for the entire development.
- C. Size - The electronic message sign shall be limited to eighty (80) percent of the allowable size of the sign it replaces.
- D. Height - The electronic message sign shall not exceed the permitted height of the sign it replaces.

1110.2 Nonconforming Sign Replacement

Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article.

1110.3 Message Display

- A. Hold Time - Any portion of the message shall have a minimum duration (hold time) of ten (10) seconds and shall be a static display. Messages shall completely change to the next message within one (1) 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. Time and temperature signs are exempt from this requirement.
- 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. Luminance

Luminance. A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

Nit. A unit of measure of Luminance.

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 luminance of five thousand (5,000) nits during daylight hours. During the nighttime signs and billboards shall be limited to a maximum luminance of one hundred fifty (150) nits.
3. All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions. The sign shall also be equipped with an automatic malfunction shut off switch.
4. Signs shall comply with light trespass regulations set forth in §701.8.
5. Surface luminance measurements shall be made directly with a calibrated luminance meter, following the instrument manufacturer's directions. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of two hundred (200) nits shall be permitted during nighttime.
6. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed five thousand (5,000) nits and that the intensity has been protected from end-user manipulation by password-protected software.

1110.4 Separation

- A. Other Electronic Message Sign - No electronic message sign shall be located closer than eight hundred (800) feet from any other electronic message sign.
- B. Residential Use or District - No electronic message sign or billboard shall be located within four hundred (400) feet of any residential use or district.
- C. Freestanding Sign - No electronic message sign shall be erected within two hundred fifty (250) feet of any existing freestanding sign.

1111 Nonconforming Signs

1111.1 Legal, Nonconforming Signs

Any sign lawfully existing or under construction on the effective date of this Article, which does not conform to one (1) or more of the provisions of this Article, may be continued in operation and maintained as a legal nonconforming use.

1111.2 Maintenance and Repair

- A. Area - The total area of any nonconforming sign shall not be increased.
- B. Removal and Reconstruction - The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of §908 applicable to other nonconforming structures.
- C. Damage or Destruction - A nonconforming sign which is damaged or destroyed may be rebuilt in a

nonconforming fashion only in accord with §908 applicable to other nonconforming structures.

D. 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 business being advertised.

E. Conversion to Electronic Message Sign

1. Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article.
2. A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.

1112 Removal of Certain Signs

1112.1 Abandoned Signs

A. Removal - Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be presumed to be abandoned and shall be removed within eighteen (18) months from the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

B. Enforcement - Enforcement of a violation of §1112.1 shall be in accord with §1216.

1112.2 Nuisance Signs

A. Violation - The maintenance of any sign which is unsafe or insecure, or is a public nuisance, shall be considered a violation of this Article.

B. Enforcement - Enforcement of a violation identified in §1112.2A shall be in accord with §1216.

C. 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.

1112.3 Illegal Signs

If the Zoning Officer shall find that any sign is displayed in violation of this Ordinance, he shall proceed with an enforcement action in accord with §1216.

ARTICLE XII ADMINISTRATION

1200 Applicability

1200.1 Conformance

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

1200.2 Authorization

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

1200.3 Regulated Activities

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

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

1200.4 Repairs and Maintenance

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provide 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.

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within ninety (90) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one applicable reason in writing to the applicant or his/her representative.

1201.2 Reviews

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

1201.3 Appeal

See §1205.2 which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

1201.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant. (See use permit process in §1202.7)

1202 Permits and Certificates

1202.1 Applicability See §1200.

1202.2 Types of Uses

- A. 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.
- B. 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.
- C. 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.

1202.3 Applications

- A. 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.
- B. Number of Copies - Unless waived by the Zoning Officer, five (5) copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two (2) copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- C. 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 §1202.3 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 §1202.3C6 which follows, 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.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed 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.
4. 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.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 1. Water courses, lakes and wetlands (with names).
 2. Rock outcrops, ledges and stone fields.
 3. Buildings, structures, signs and setbacks required by the Zoning Ordinance.
 4. Approximate location of tree masses.
 5. Utility lines, wells and sewage system(s).
 6. Entrances, exits, access roads and parking areas including the number of spaces.
 7. Drainage and storm water management facilities.
 8. Plans for any required buffer plantings
 9. Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.
8. Tract boundaries accurately labeled.
9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
11. A statement of the type of water supply and sewage disposal proposed.
12. The present zoning district and major applicable lot requirements.

- D. 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.
- E. 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.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Monroe County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- G. Subdivision Approval - Applications for uses which also necessitate approvals under the Township Subdivision 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 Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to §1202.7 of this Ordinance.

1202.4 Issuance of Permit

- A. At least two (2) copies of any permit required under this Ordinance shall be made.
- B. One (1) copy of any such permit shall be retained in Township files and one (1) 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.
- C. The Zoning Officer shall issue or deny a permit for a principal permitted use within a maximum of ninety (90) days after a complete, duly filed application and fees are submitted.
- D. 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.

1202.5 Revocation of Permits

The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

- A. 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,
- B. Upon violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. 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,
- D. For any other just cause set forth in this Ordinance.

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

1202.6 Changes to Approved Plans

- A. After the issuance of a permit and/or approval under this Ordinance by the Township, such approved application shall not be changed without the written consent of the Township, as stated in §1206.6C.
- B. 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 Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
- C. 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.

1202.7 Certificate of Use

- A. A Certificate of Use shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- B. An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within ten (10) days of a properly submitted and duly filed application. A minimum of one (1) copy shall be retained in Township records.
- C. The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.
- D. The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

1202.8 Expiration of Permits and Approvals

- A. Zoning Permits- When authorized by the issuance of a zoning permit, the permitted building construction shall be completed and/or the permitted use shall be established as a functional and constructive activity within twelve (12) months of issuance of the permit unless a written extension is granted by the Zoning Officer for good cause. Otherwise, the zoning permit shall be considered to have automatically expired at the end of such twelve (12) month period.
- B. Conditional Use Approval or Special Exception Approval - See §1208.5.

1203 Fees**1203.1 Application Fees**

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1203.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1204 Zoning Officer**1204.1 Appointment**

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

1204.2 Duties and Powers

The Zoning Officer shall:

- A. Administer the Zoning Ordinance.
- B. Provide information to applicants regarding required procedures.
- C. Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance.
- D. Receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance.
- E. 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.
- F. Make all required inspections and perform all other duties as called for in this Ordinance.
- G. 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.

1204.3 Qualifications

Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.

- A. The person shall demonstrate a working knowledge of zoning.
- B. The person shall have one of the following combinations of education and experience:
 - 1. An high school diploma or equivalent and a minimum of four (4) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 2. An high school diploma or equivalent and two (2) additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a filed such as law enforcement, community planning and/or public administration) and a minimum of two (2) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 3. 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 8 months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
- C. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Justice.
- D. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- E. The person shall demonstrate excellent oral and written communication skills.
- F. The person shall be familiar with the PA Municipalities Planning Code.

1204.4 Other Township Officials

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

1205 Zoning Hearing Board

1205.1 Appointment and Qualifications

- A. Appointment - The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
 - 1. Demonstrate a working knowledge of zoning prior to appointment.
 - 2. Become familiar with the PA Municipalities Planning Code.
 - 3. Attend at least one (1) seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.
- C. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members. See §905 of the PA Municipalities Planning Code.

E. Organization.

1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
2. Quorum - For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA Municipalities Planning Code.
3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

1205.2 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. 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.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this Ordinance.
- F. Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. 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.
- H. 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.

1206 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 §1206. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (For the purposes of this §1206 *Board* shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

1206.1 Notice of Hearings

Notice of all hearings of the Board shall be given as follows:

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- C. Persons Given Notices - All notice under this §1206.1 should be intended to be received or posted at least five (5) days prior to the hearing date.
 1. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 2. Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
 3. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
- D. Adjacent Municipalities - In any matter which relates to a lot which lies within two hundred and fifty (250) feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of the Township to notify such municipality shall not invalidate any action by the Board.
- E. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

1206.2 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each

case before the Board. (Note-Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
- B. The Board shall have power to require that all person who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. 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.

1206.3 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

1206.4 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

1206.5 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

1206.6 Communications Outside of Hearings

- A. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- B. 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.

1206.7 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

1206.8 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.

1206.9 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.

- B. 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 (7) days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

1207 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).

1207.1 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. **The applicant shall have the burden of proof to show compliance with such standards.** As of 1993, the Municipalities Planning Code provided that **all** of the following findings must be made, where relevant in a particular case:

- A. 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,
- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Such unnecessary hardship has not been created by the appellant; and,
- D. 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,
- E. 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.

1207.2 Re-Application

The Zoning Officer shall refuse to accept a proposed application that is not materially or significantly different from an appeal on the same property that was denied by the Board within the previous year.

1207.3 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.

1207.4 Planning Commission Review of Variance Applications

- A. The Planning Commission shall be provided with an opportunity to review any proposed variance at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.

- B. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (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.

1208 Conditional Uses and Special Exceptions

1208.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §1208.6. 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.

1208.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §1208.4 and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

3. Submission - The applicant shall submit the application as follows:

- a. Five (5) complete copies of any required plan shall be submitted to the Zoning Officer.
- b. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.

2. Distribution - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one (1) 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 Zoning Officer.

3. 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.

4. Planning Commission Review

- a. 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.
- b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (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.

5. 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.

1208.3 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 §1208.4.

A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

1. All applicants for a special exception use shall submit five (5) sets of plans for the proposed use to the Zoning Officer together with a written application. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
2. All plans shall contain the information required in §1208.6.
3. Township Procedures.
 - a. 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 (1) copy shall be retained in the Township files.
 - b. 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.
4. Planning Commission Review of Special Exception Uses.
 - a. 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.
 - b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (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.
5. Zoning Hearing Board Action on Special Exception Uses
 - a. The Board shall hear and decide such request for a special exception use under the procedures in §1206.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1208.4 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.

- A. 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.
- B. 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.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. 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.
- E. In reviewing an application, the following additional factors shall be considered:
 - 1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 - 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - 5. Adequacy of storm water and drainage facilities storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 - 6. Adequacy of water supply and sewage disposal facilities.
 - 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. 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.

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.

1208.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

1208.6 Information Required

The applicant shall supply the information required by §1202.3 of this Ordinance 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.

1209 **Reserved**

1210 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.

1211 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1211.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the PA Municipalities Planning Code.

1211.2 Temporary Permits

This 30 day time limit for appeal shall not apply to the revocation of a permit under §1202.5.

1211.3 Subdivision or Land Development Approval

The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

1212 Appeals to Court and Other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

1213 Public Utility Exemptions

See §619 of the PA Municipalities Planning Code.

1214 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1215 Amendments

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

1216 Violations**1216.1** Compliance

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance.

1216.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. 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.

1216.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §1216.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §1216.3
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
1. The name of the owner of record and any other person against whom the municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- F. 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.

1217 Penalties and Remedies

1217.1 Causes of Action

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1217.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. 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 justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this §1217 shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

1218 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

ARTICLE XIII
ADOPTION

See the May 1, 2014, Zoning Ordinance and Ordinance No. 2015-2 adopted on April 23, 2015.

APPENDIX

PARKING DEMAND (2014-12)					
Source: <u>Parking Generation, 4th Edition</u> , ITE					
NOTES:					
Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown.					
85th Percentile - not provided in certain cases with a very limited number of studies; highest value of studies shown.					
Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown.					
		Average	85th %	Peak	Per
000	Port and Terminal				
021	Commercial Airport	0.84	1.48		daily enplanement
093	Light Rail Transit Station with Parking	136.00	212.0		1,000 daily boardings
	100 Industrial	Average	85th %	Peak	Per
110	General Light Industrial	0.75	1.13		1,000 sq. ft. GFA
110	General Light Industrial	0.64	0.81		employee
130	Industrial Park	0.62	1.85		1,000 sq. ft. GFA
130	Industrial Park	0.89	0.98		employee
140	Manufacturing	1.02	1.18		1,000 sq. ft. GFA
140	Manufacturing	0.97	1.14		employee
150	Warehousing	0.51	0.81		1,000 sq. ft. GFA
150	Warehousing	0.78	1.01		employee
151	Mini-Warehouse	0.14	0.17		1,000 sq. ft. GFA
200	Residential - See Zoning Ordinance §504.6.B				
	300 Lodging	Average	85th %	Peak	Per
310	Hotel	1.20	1.54		room
311	All Suites Hotel			1.30	room
312	Business Hotel	0.60	0.75		room
320	Motel	0.71	0.85		room
330	Resort Hotel	1.29	1.59		room
	400 Recreational	Average	85th %	Peak	Per
411	City Park			5.10	acre
414	Water Slide Park	72.90			acre
420	Marina	0.59			berth
430	Golf Course	8.68	9.83		hole
435	Multipurpose Recreational Facility	1.78			hole
435	Multipurpose Recreational Facility	10.67			1,000 sq. ft. GFA
435	Multipurpose Recreational Facility	16.00			acre
437	Bowling Alley	5.02	5.58		lane
438	Billiard Hall	6.56			1,000 sq. ft. GFA
438	Billiard Hall	2.89			billiard table
440	Adult Cabaret	5.90			1,000 sq. ft. GFA
441	Live Theater	0.38	0.39		attendee
441	Live Theater	0.25	0.32		seat
444	Movie Theater with Matinee	0.26	0.36		seat
445	Multiplex Movie Theater	0.15	0.20		seat
445	Multiplex Movie Theater	36.20	45.00		screen

400	Recreational	Average	85th %	Peak	Per
464	Roller Skating Rink	5.80			1,000 sq. ft. GFA
465	Ice Skating Rink	3.90			1,000 sq. ft. GFA
466	Snow Ski Area	1.31	1.62		acre of ski trails
466	Snow Ski Area	0.25	0.31		daily lift ticket
473	Casino/Video Lottery Establishment			35.34	1,000 sq. ft. GFA
473	Casino/Video Lottery Establishment			1.42	gaming position
481	Zoo			12.10	acre
488	Soccer Complex	56.3	69.30		field
490	Tennis Courts			3.16	tennis court
491	Racquet/Tennis Club	3.56	4.13		court
492	Health/Fitness Club	5.27	8.46		1,000 sq. ft. GFA
492	Health/Fitness Club	0.13	0.16		member
493	Athletic Club	3.55	4.94		1,000 sq. ft. GFA
493	Athletic Club	0.07	0.21		member
495	Recreational Community Center	3.20	5.03		1,000 sq. ft. GFA
500	Institutional	Average	85th %	Peak	Per
520	Elementary School	0.17	0.21		student
522	Middle School/Junior High School	0.09	0.10		student
525	School for the Blind			1.08	student
525	School for the Blind			1.47	employee
525	School for the Blind			2.67	1,000 sq. ft. GFA
530	High School	0.23	0.25		student
536	Private School (K-12)	0.39			student
540	Junior/Community College	0.18	0.20		school population
550	University/College	0.33	0.38		school population
560	Church	8.37	14.38		1,000 sq. ft. GFA
560	Church	0.20	0.25		seats
560	Church	0.45	0.60		attendee
561	Synagogue			0.41	attendee
562	Mosque	17.32	25.79		1,000 sq. ft. GFA
565	Day Care Center	3.16	3.70		1,000 sq. ft. GFA
565	Day Care Center	0.24	0.33		student
565	Day Care Center	1.38	1.78		employee
580	Museum	1.32	1.79		1,000 sq. ft. GFA
590	Library	2.61	4.19		1,000 sq. ft. GFA
595	Convention Center			0.44	attendee
600	Medical	Average	85th %	Peak	Per
610	Hospital	2.50	3.41		1,000 sq. ft. GFA
610	Hospital	4.49	7.35		bed
610	Hospital	0.81	1.08		employee
612	Surgery Center			5.67	operating room
620	Nursing Home	0.98	1.50		1,000 sq. ft. GFA
620	Nursing Home	0.35	0.48		bed
620	Nursing Home	0.88	1.51		employee
630	Clinic	4.94	4.96		1,000 sq. ft. GFA
640	Animal Hospital/Veterinay Clinic			1.60	1,000 sq. ft. GFA
640	Animal Hospital/Veterinay Clinic			1.40	employee

700	Office	Average	85th %	Peak	Per
701	Office Building	2.84	3.45		1,000 sq. ft. GFA
701	Office Building	0.83	0.98		employee
720	Medical-Dental Office Building	3.20	4.27		1,000 sq. ft. GFA
730	Government Office Building	4.15	6.13		1,000 sq. ft. GFA
730	Government Office Building	0.83	1.01		employee
732	United States Post Office			33.20	1,000 sq. ft. GFA
732	United States Post Office			2.01	employee
735	Judicial Complex			4.10	1,000 sq. ft. GFA
735	Judicial Complex			0.80	employee
800	Retail	Average	85th %	Peak	Per
812	Building Materials and Lumber Store			1.69	1,000 sq. ft. GFA
813	Free-Standing Discount Superstore	4.49	5.54		1,000 sq. ft. GFA
816	Hardware/Paint Store			2.87	1,000 sq. ft. GFA
820	Shopping Center	4.67	5.91		1,000 sq. ft. GFA
843	Automobile Parts Sales	2.25	2.74		1,000 sq. ft. GFA
845	Motocycle Dealership			2.97	1,000 sq. ft. GFA
848	Tire Store			4.17	1,000 sq. ft. GFA
850	Supermarket	3.78	5.05		1,000 sq. ft. GFA
851	Convenience Market (Open 24 Hours)	3.11	3.79		1,000 sq. ft. GFA
853	Convenience Market With Gasoline Pumps	8.38	10.50		1,000 sq. ft. GFA
854	Discount Supermarket			5.80	1,000 sq. ft. GFA
857	Discount Club	2.90	3.93		1,000 sq. ft. GFA
859	Liquor Store			2.98	1,000 sq. ft. GFA
861	Sporting Goods Superstore	1.78	2.40		1,000 sq. ft. GFA
862	Home Improvement Superstore	3.19	4.34		1,000 sq. ft. GFA
863	Electronics Superstore			3.03	1,000 sq. ft. GFA
864	Toy/Children's Superstore	1.94			1,000 sq. ft. GFA
866	Pet Supply Superstore			1.17	1,000 sq. ft. GFA
867	Office Superstore			0.61	1,000 sq. ft. GFA
868	Book Superstore			0.89	1,000 sq. ft. GFA
876	Apparel Store			17.02	1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	2.94	3.74		1,000 sq. ft. GFA
880	Pharmacy/Drugstore without Drive-Through Window	3.73	5.10		employee
881	Pharmacy/Drugstore with Drive-Through Window	2.18	2.94		1,000 sq. ft. GFA
881	Pharmacy/Drugstore with Drive-Through Window	1.63	2.20		employee
890	Furniture Store	1.04	1.34		1,000 sq. ft. GFA
890	Furniture Store	1.73	2.16		employee
892	Carpet Store	1.79	3.00		1,000 sq. ft. GFA
892	Carpet Store	2.27	3.20		employee
896	Video Rental Store	2.41	2.76		1,000 sq. ft. GFA

900	Services	Average	85th %	Peak	Per
912	Drive-in Bank	4.00	5.67		1,000 sq. ft. GFA
920	Copy, Print and Express Ship Store			3.00	1,000 sq. ft. GFA
931	Quality Resturant	16.40	22.70		1,000 sq. ft. GFA
931	Quality Resturant	0.47	0.67		1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (No Bar or Lounge)	13.50	20.60		1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (With Bar or Lounge)	16.30	20.40		1,000 sq. ft. GFA
932	High-Turnover (Sit-Down) Resturant (No Bar or Lounge)	0.35	0.54		seat
932	High-Turnover (Sit-Down) Resturant (With Bar or Lounge)	0.48	0.73		seat
933	Fast-Food Resturant without Drive-Through Window	12.40	14.50		1,000 sq. ft. GFA
933	Fast-Food Resturant without Drive-Through Window	0.52	0.77		seat
934	Fast-Food Resturant with Drive-Through Window	9.98	15.13		1,000 sq. ft. GFA
934	Fast-Food Resturant with Drive-Through Window	0.35	0.64		seat
936	Coffee/Donut Shop without Drive-Through Window	13.56	17.33		1,000 sq. ft. GFA
937	Coffee/Donut Shop with Drive-Through Window	10.40	18.97		1,000 sq. ft. GFA
939	Bread/Donut/Bagel Shop without Drive-Through Window			9.78	1,000 sq. ft. GFA
940	Bread/Donut/Bagel Shop with Drive-Through Window			4.50	1,000 sq. ft. GFA
945	Gasoline/Service Station with Convenience Market	0.75	1.03		fueling position
960	Dry Cleaners	1.40	2.44		1,000 sq. ft. GFA

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References are to section designation rather than page numbers to facilitate updating the index when changes are made to the ordinance. As sections are added to the ordinance the page numbering will change; however the base section numbering will not.

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