

STERLING TOWNSHIP

WAYNE COUNTY, PENNSYLVANIA

ZONING ORDINANCE

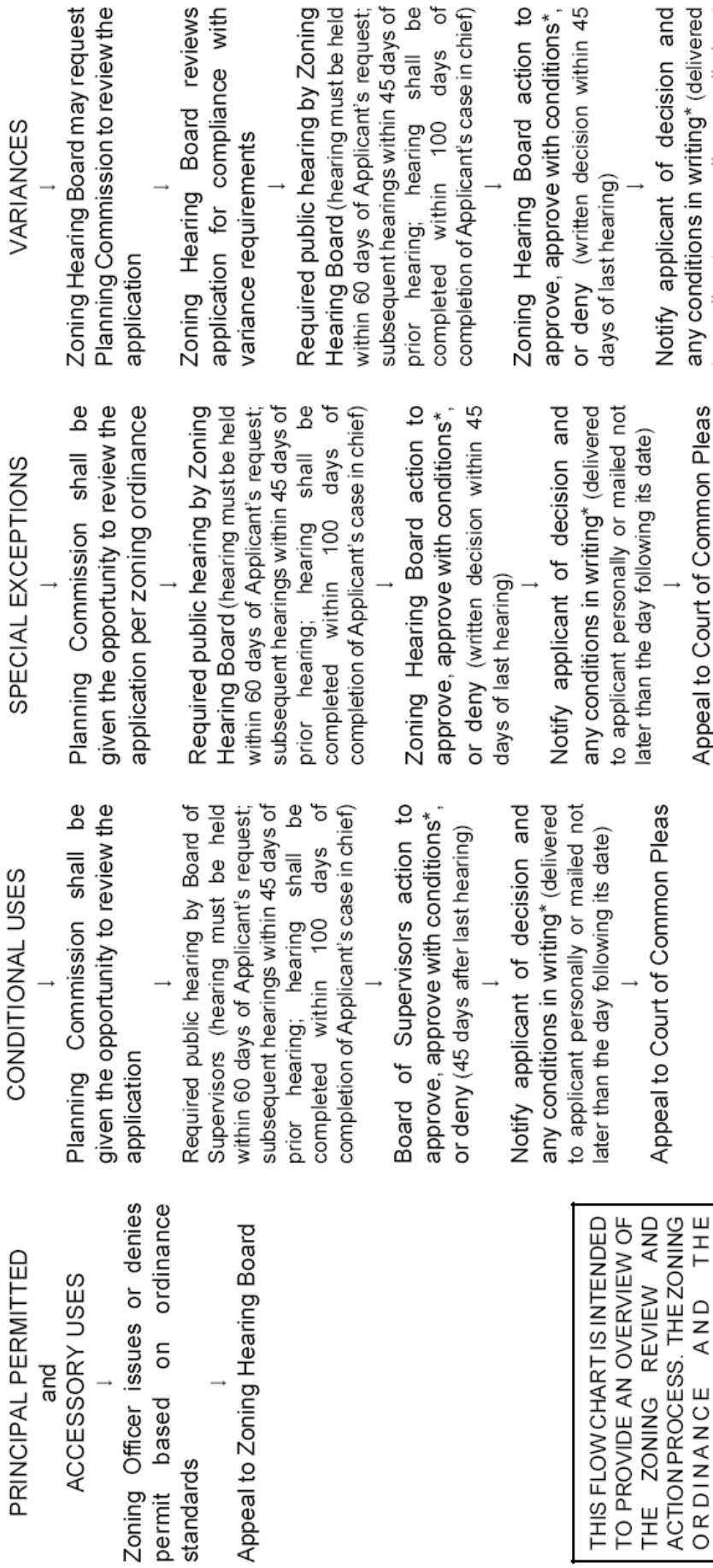
**PUBLIC REVIEW DRAFT
SEPTEMBER 2017**

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 XI 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 approvals 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 FLOWCHART 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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ADOPTION**

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Adoption 1

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

101 Title and Short Title

101.1 Title

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

101.2 Short Title

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

102 Purpose

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

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that 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 zoning 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 (If adopted by the Township.)

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

104 Interpretation**104.1 Interpretation**

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

104.2 Conflict

- A. 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.

104.4 Pennsylvania Municipalities Planning Code Amendments

The provisions of this Ordinance that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

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 Sterling Township Comprehensive Plan 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, Words Not Defined; Diagrams

- A. Terms, Phrases, Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4th edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Diagrams. The diagrams in §303 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

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 CSA §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 – 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 or one clearly defined entrance, or one clearly defined entrance separated from another clearly defined exit. 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 Apartment - A second dwelling unit either in or added to an existing single-family detached dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building.

Accessory Building Apartment - A dwelling unit that is located within a detached accessory building of a principal single-family detached dwelling.

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; lot area, gross; and lot area, net*.

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

D. Additional definitions associated with *adult business* include:

1. Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 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.
2. Adult Bookstore or Adult Video Store - A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any 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*.

3. Adult Live Entertainment Use or Facility - A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving: (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.
4. 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.
5. 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.
6. Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas. Considered an *adult business* for regulation by this Ordinance.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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*.
14. 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.
15. 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.
16. 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. (See *slaughterhouse* which is a type of agricultural products processing.)

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

Assisted Living Facility - 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. Considered a *recreation facility, commercial* for regulation by this Ordinance.

Bituminous Concrete Batch Plant - An operation which combines asphalt or bituminous materials and aggregates and heat to manufacture a bituminous seal coat or bituminous concrete product. Considered *mineral processing* 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 Sterling Township, Wayne 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. (See following illustration.)

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.

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.

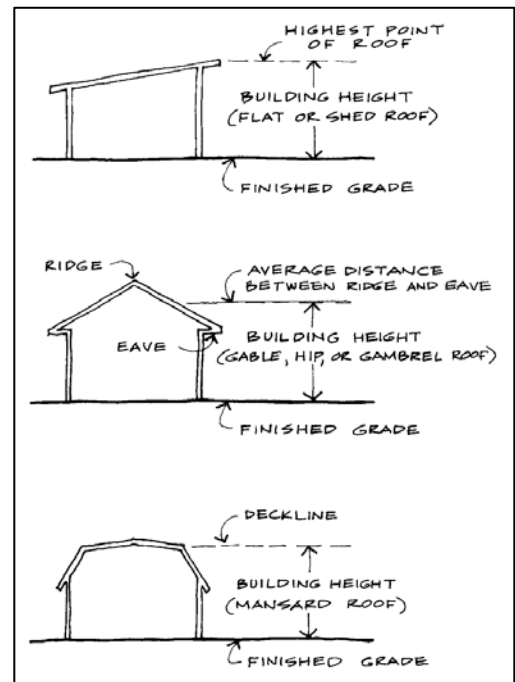
Bus Shelter - Any shed-like structure, usually open on one or more sides, located along the regular route of a public bus, van or other vehicle, including an official school bus, whose purpose is to provide temporary shelter for the users of the vehicle while they are waiting.

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 units where transient clientele participate in organized recreation which may include indoor recreation and learning activities and outdoor recreation activities such as hunting, fishing, hiking, bicycling, baseball and swimming, receive instruction or training, or are afforded peace



Building Height

and quiet.

Camp/Retreat Lodging Unit - A dwelling structure in a camp/retreat used for temporary occupancy.

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.

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 - A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this Ordinance and may be lawfully used.

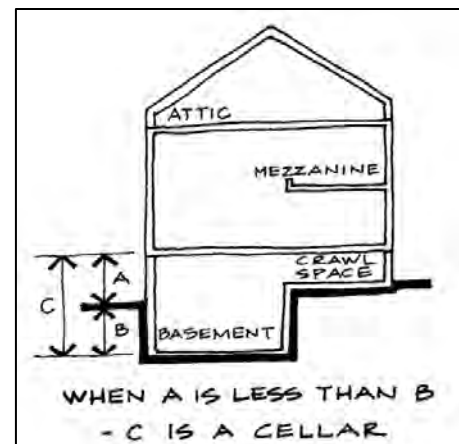
Change of Use - Any conversion of a use from one use as regulated by this Ordinance to a different regulated use.

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

Church - See *place of worship*.

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

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



Club/Lodge, Private - An area of land or building used by a nonprofit civic, social, fraternal, 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.

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

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 Sterling Township, Wayne County, Pennsylvania.

Comprehensive Plan - The most recent Comprehensive Plan (which may be a regional plan) adopted by Sterling 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. Considered *industry* for regulation by this Ordinance.

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 - Lands within the 100-year floodplain, wetlands, lakes, ponds, watercourses, areas greater than one thousand (1,000) square feet in size containing rock outcrops, boulder fields and/or soils with bedrock at the surface and slopes in excess of twenty-five (25) percent.

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

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

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

Conservation Easement - A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow 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, extension, expansion, alteration or relocation of a

building or structure, including the placement of manufactured homes.

Contractor 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/charging 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 Wayne, Commonwealth of Pennsylvania.

County Planning Commission - The Planning Commission of Wayne 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.

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.

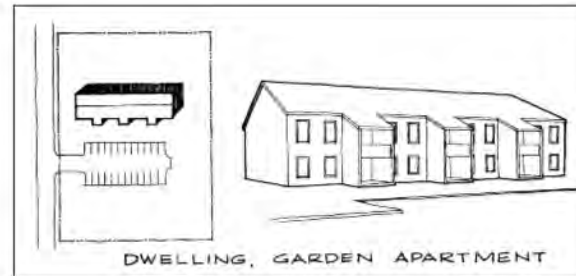
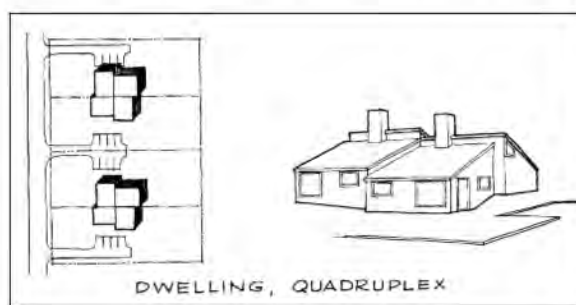
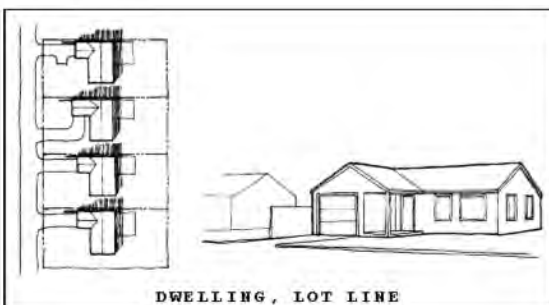
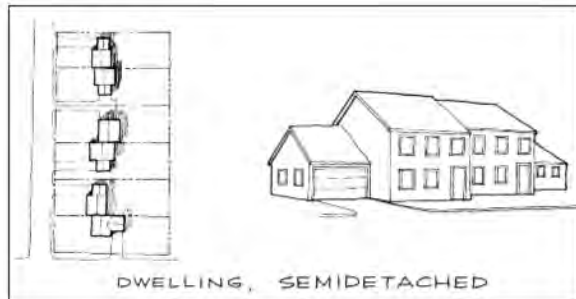
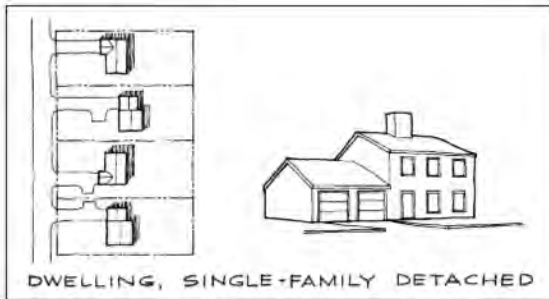
Dwelling, Apartment Unit - One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

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. 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.

- C. Garden Apartment Building - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding two and one-half (2.5) stories or thirty-five (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.



- D. Apartment Building - A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than two and one-half (2.5) stories but not exceeding the height limitations (in feet) of this Ordinance.
- E. Residential Conversion to Apartment - The conversion of an existing single family detached dwelling into three to five dwelling 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 (2) dwelling units either attached side by side through the use of a vertical party wall and having one (1) 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.

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, 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.

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

A. The term includes safety fuse, squibs, detonating cord and igniters.

B. The term does not include the following:

1. Commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. §921 (relating to definitions).

2. Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use.

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

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.
- 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.

Financial Institution – See *bank*.

Firewood Cutting and Sales – The importing of trees or firewood from any property to any another property for cutting and sale for use as firewood. This may include the storage of the cut trees and firewood, and customers on the site to purchase firewood, but no other retail sales. This shall not include the cutting by a property owner

of trees growing on his property for sale as firewood. Considered *agricultural products processing* for regulation by this Ordinance.

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

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

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

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

Flood (and related definitions) – See the Township Floodplain Ordinance, Ordinance No. 2013-01, 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 CSA, §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.

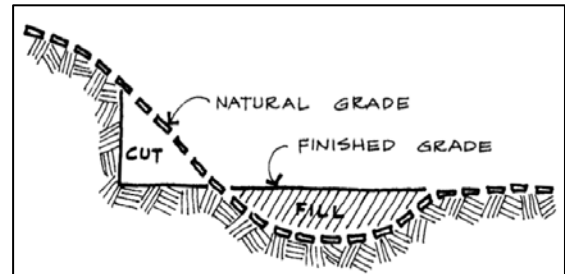
Golf Course, Miniature - A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. Considered a *recreation facility, commercial* for regulation by this Ordinance.

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 Sterling Township.

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

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



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

Greenhouse, Wholesale - 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 House - 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.

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

Hedgerow - A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, and may occur naturally or be specially planted (e.g. windbreak).

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, surgical or rehabilitation 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.

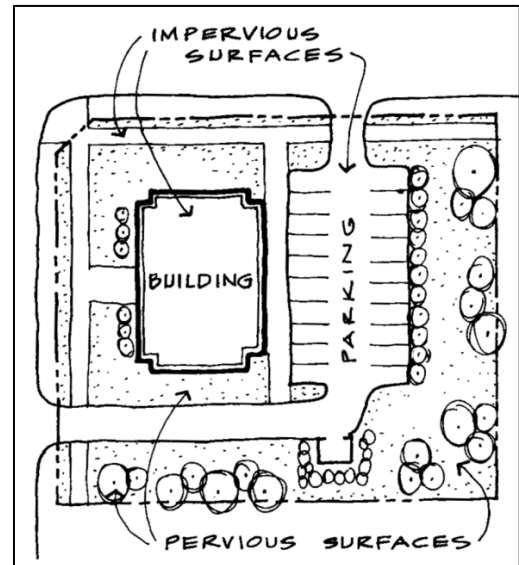
Hotel - A facility offering temporary (generally for periods of two weeks or less and not intended to be used as a residence) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational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

Hydric Soil - A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of this Ordinance, hydric soils include any soils inventoried or described as hydric or as a soil with hydric inclusions according to Soil Survey of Wayne County.

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 three (3) or more abandoned or junked vehicles.
- B. 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 more than a combined total of five (5) domestic dogs or domestic cats that are more than one (1) year 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 the purpose of retail sales or commercial establishments.

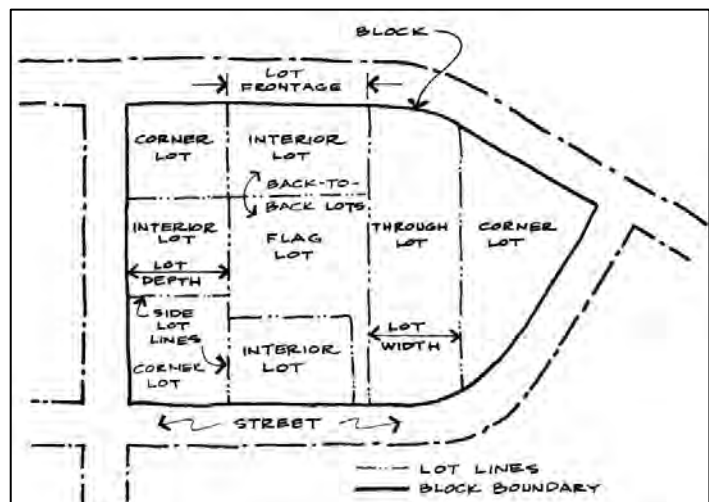
Livestock - Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals.

Livestock Operation - See *animal husbandry*.

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

Long-Term Residency - See *residency, 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.

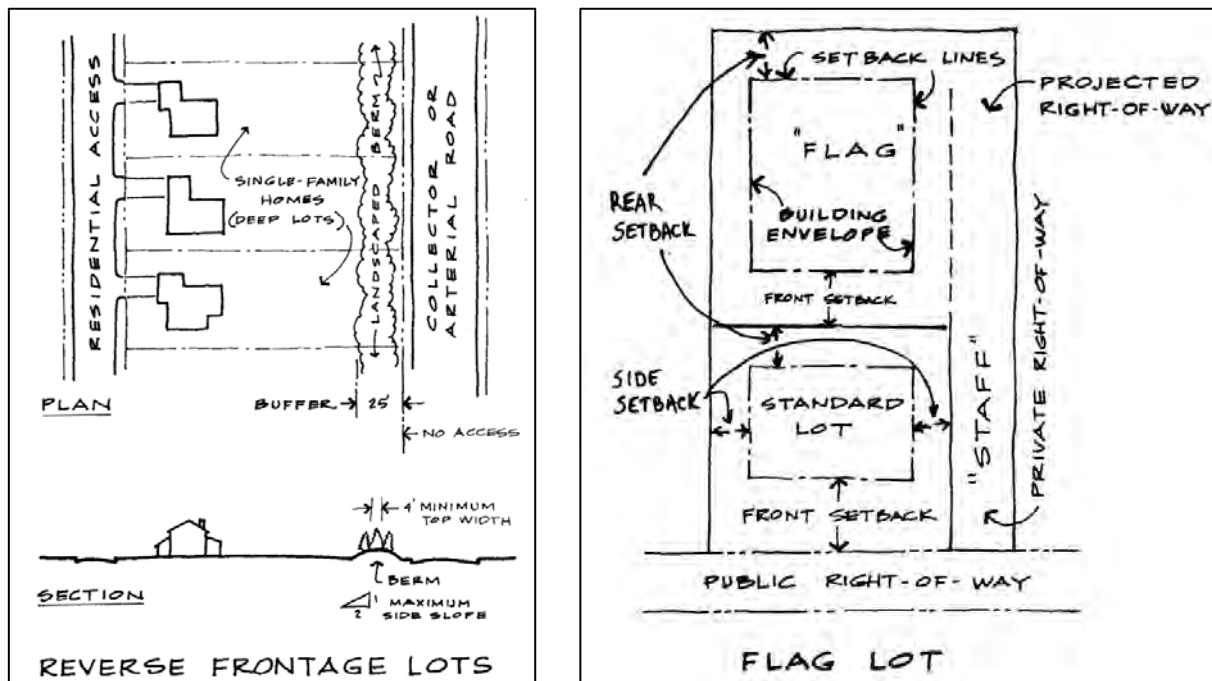


Lot, Corner - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

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, Gross - The total area within the property or lot lines; the gross area. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms as related to the gross area.

Lot Area, Minimum Required - The horizontal land area contained within the property lines of a lot, measured in acres or square feet, determined by deducting the acreage of land within the rights-of-way of existing public streets or highways.

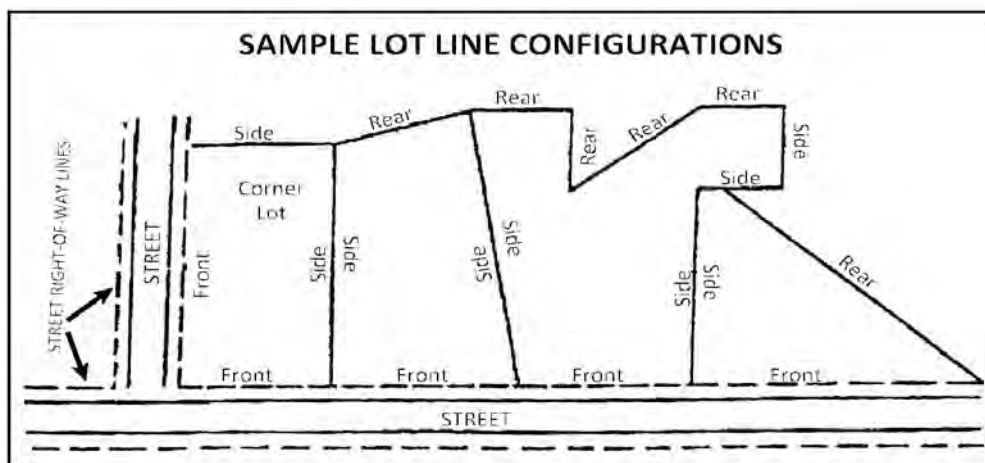
Lot Coverage - That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas provided that where a municipal boundary bisects a lot, the total area of the lot,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

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

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

Meeting, Assembly, or Banquet Halls - A structure designed for an assemblage of persons 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 Depot: Any site, facility or operation with the primary use being the transfer of minerals from a railroad car or vehicle to another railroad car or vehicle for distribution, and/or the primary use being storage of minerals for distribution. This shall not include a *bulk fuel storage facility* or the storage or transfer of minerals incidental to another approved use.

Mineral Extraction - The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining, and oil or gas wells) 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, manufacture of concrete and clay products, and natural gas processing. This shall not include activities typically part of a *pipeline compressor station, metering station or operation/maintenance facility*.

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 – Sterling Township, Wayne 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.

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 Sterling Township, Wayne 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. Considered *mineral extraction* for regulation by this Ordinance.

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 Sterling Township, Wayne 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*).

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 (as related to a conservation design subdivision) - A private or public space, 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 (as related to a conservation design subdivision) - A private or public space, 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, swimming pools, 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 Regional Comprehensive Plan and specifically identified in §400.

Related or Relative: See *family*.

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

Repair - The reconstruction or renewal of any part of an existing building for 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). Considered *industry* for regulation by this Ordinance.

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

Restaurant - 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

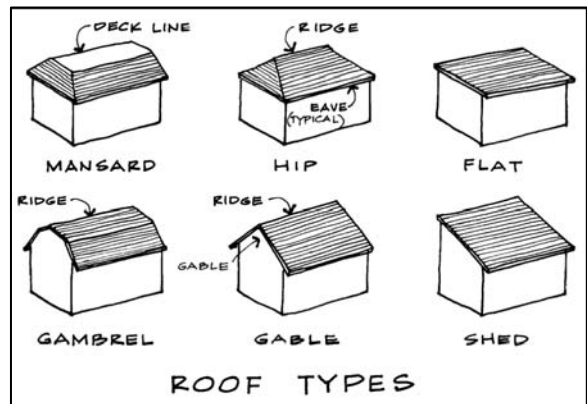
Retail Home Heating Fuel Distributors - An establishment that delivers kerosene, home heating oil, and propane to individual dwellings or commercial establishments for use on that premises and not for resale, and where the storage of fuel on the site of the retail home heating fuel distributor does not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

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

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

Roof - The outside top covering of a building.

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.

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.

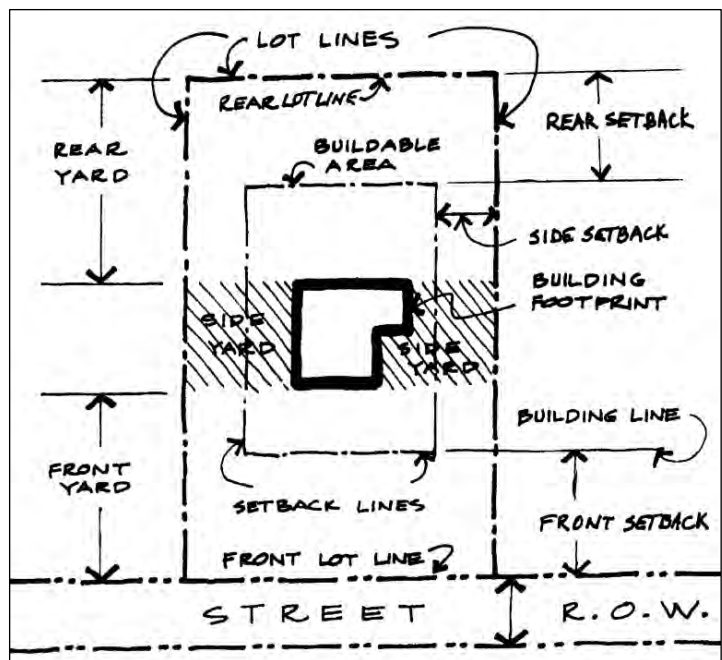
Semi-Public Building or Use - A building or use operated by nonprofit, community-based organizations for the general use of Township residents, including emergency services buildings, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It 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 road right-of-way. See also *yard* and *lot line*.

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

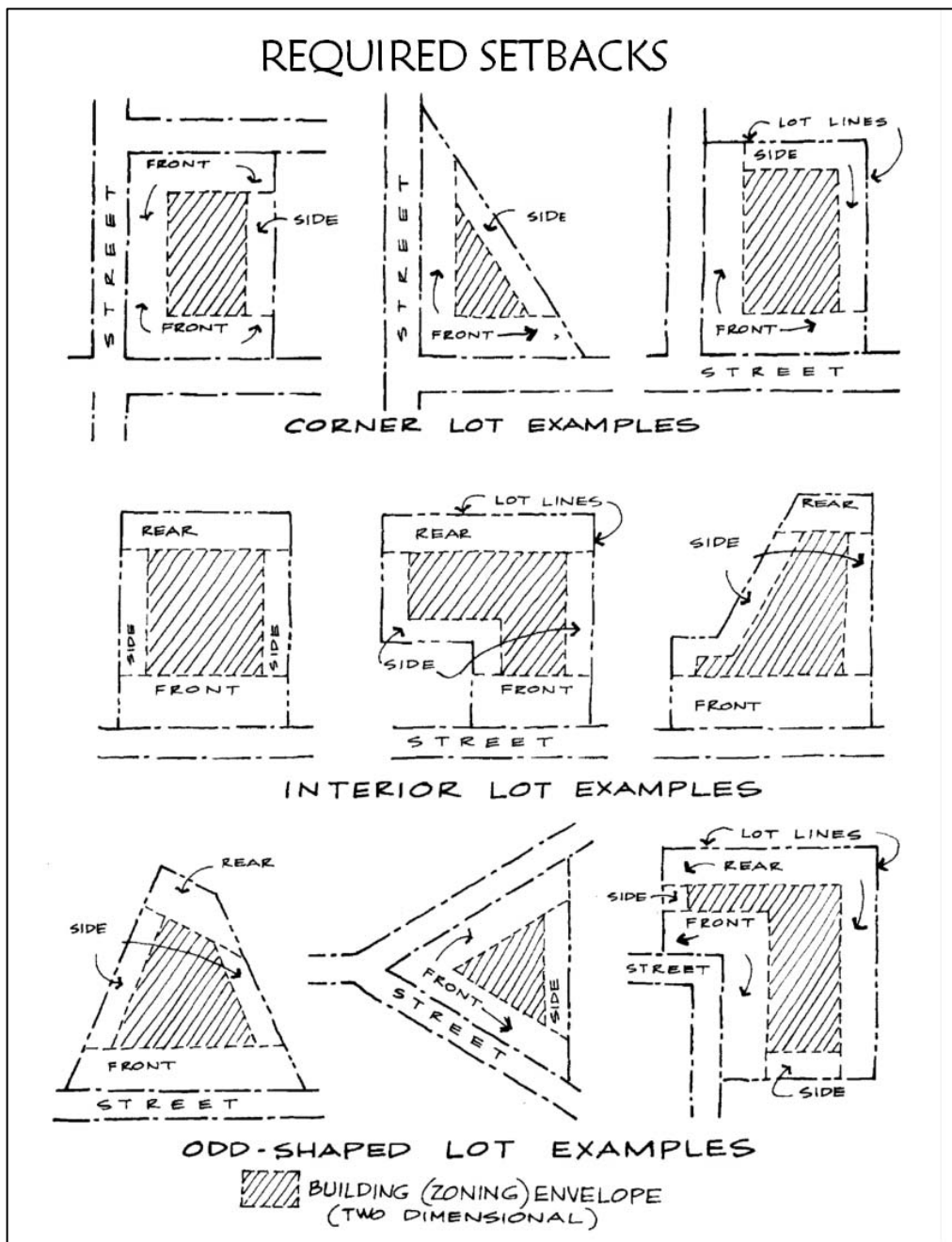
Setback, Rear - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the rear lot line. See also *yard* and *lot line*.



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 (and related definitions) - See Article XI.

Slaughter House - A type of *agricultural products processing* 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. *Slaughterhouse* 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.

Steep Slopes - Those areas of land where the grade is twenty five (25) or greater. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this Ordinance, slope shall be measured over three (3) two (2)-foot contour intervals (6 cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

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.

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 Sterling Township Subdivision and Land Development Ordinance, as amended.

Supervisors - The Board of Supervisors of Sterling 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 Sterling, Wayne County, Pennsylvania.

Township Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Sterling 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. See §601.6D.

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

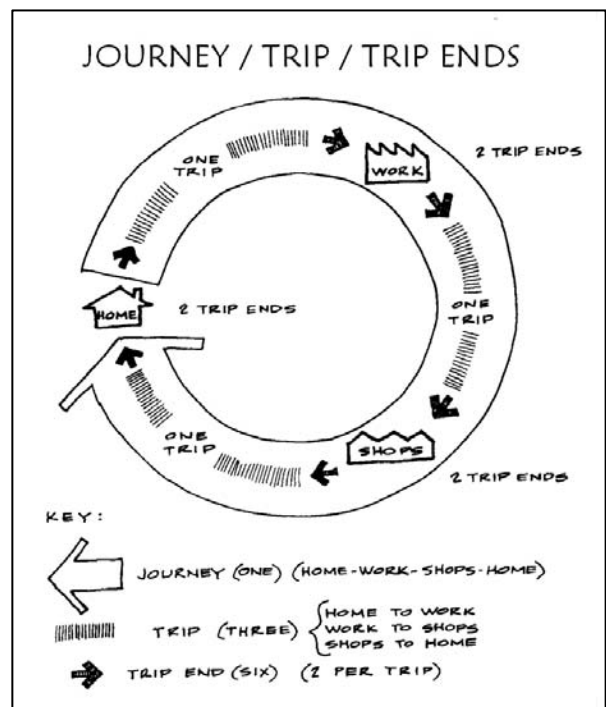
Trade School - A facility that is primarily intended for education of a work-related skill or craft or a hobby and that does not primarily provide State-required education to persons under age sixteen (16).

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 *industry* 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; retail sales of wine related items and gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements; and a *restaurant or restaurant, outdoor* not involving any *drive-in/stand use*.

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 Sterling Township.

Zoning Map - The Official Zoning Map of Sterling 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

401 Designation of Districts

401.1 Designation

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

R - Residential District	MU - Mixed Use District
MR - Mixed Residential District	VB - Village Business District
RD - Rural Development District	PBP - Planned Business Park District
GC - General Commercial District	

401.2 Intent

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

401.3 Airport Overlay Zone

The Airport Overlay District is hereby created to include all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by Article XIII of this Ordinance. In addition to all other applicable standards of this Zoning Ordinance the requirements of Article XIII of this Ordinance shall apply in the Airport 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 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 Ordinance, Ordinance 2013-01, as amended, shall apply.

402 Official Zoning Map

402.1 Adoption

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

402.2 Map Changes

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

402.3 Replacement Map

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

403 District Boundaries

403.1 Establishment

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Wayne County Recorder of Deed's Office and on the Wayne 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.

- 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 Ordinance.
 - 3. The use is not permitted in any other zoning district in the Township.
 - 4. The use where proposed would be consistent with the Township 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 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.
- 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 Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

ACCESSORY USES IN ALL DISTRICTS – SCHEDULE OF USES (Not applicable to PBP - Planned Business Park District)		
<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Animal husbandry, home use - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services - Farm stands - Garages, private - Gazebos - Greenhouses, private 	<ul style="list-style-type: none"> - Guard houses - Home gardens and home nurseries - No impact home-based businesses - Parking areas accessory to approved uses - Pavilions - Patios - Pets, keeping of - Porches - Private garages, carports, sheds - 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 - 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

R - RESIDENTIAL DISTRICT -- SCHEDULE OF USES				
INTENT: To provide for the orderly expansion of residential development in the Township to exclude uses not compatible with such residential development.				
PRINCIPAL PERMITTED USES (<u>Zoning Officer</u>)				
<ul style="list-style-type: none"> - Agricultural products processing only for products raised on the premises - Agritourism - Animal husbandry, commercial 	<ul style="list-style-type: none"> - Conservation design subdivisions - Crop production - Development sales offices - Forestry - Group homes - Public parks and playgrounds - Single-family detached dwellings - Two-family dwellings - Wineries, farm 			
CONDITIONAL USES (<u>Planning Commission/Supervisors</u>)				
<ul style="list-style-type: none"> - Bus shelters - Clinics for single practitioners - Country clubs - Emergency services stations - Golf courses - Home based businesses 	<ul style="list-style-type: none"> - Home occupations (See §503.3 for accessory use home occupations.) - Places of worship - Public and semi-public buildings and uses - Recreational facilities, public - Religious quarters - Schools, public or private, primary or secondary 			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"> SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>) </td> <td style="padding: 5px;"> NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2. </td> </tr> </table>	SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>)	NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"> <ul style="list-style-type: none"> - none </td> </tr> </table>	<ul style="list-style-type: none"> - none
SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>)	NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2.			
<ul style="list-style-type: none"> - none 				

RD - RURAL DEVELOPMENT DISTRICT -- SCHEDULE OF USES

INTENT: To provide for the reasonable use of land in the district which encompasses the largest portion of the undeveloped land in the Township, while maintaining the separation of incompatible uses. Uses permitted in the R District are also permitted in the RD District. Uses of a social, cultural, recreational and civic nature are permitted as are uses which require, by their very nature, larger parcels of property. Recognizing the need to provide the opportunity for commercial uses and manufacturing, these types of uses are permitted under certain development conditions, one of which is increased lot size.

PRINCIPAL PERMITTED USES (Zoning Officer)

- Agricultural products processing only for products raised on the premises
- Agritourism
- Animal husbandry, commercial
- Art/craft studios
- Assisted living facilities
- Banks
- Bed and breakfast inns
- Bus shelters
- Camps/retreats
- Cemeteries
- Clinics for single practitioners
- Conservation design subdivisions
- Crop production
- Community centers
- Conference centers
- Cultural centers
- Day care centers
- Development sales offices
- Farmers markets
- Forestry
- Funeral homes
- Group homes
- Massage facility, therapeutic
- Office buildings
- Personal care homes
- Professional offices for single practitioners
- Public and semi-public buildings and uses
- Public parks and playgrounds
- Religious quarters
- Single-family detached dwellings
- Two-family dwellings
- Veterinary clinics
- Wineries, farm

CONDITIONAL USES (Planning Commission/Supervisors)

- Agricultural products processing*
- Airports
- Animal shelters
- Archery ranges, outdoor commercial
- Boarding houses
- Business offices
- Business services
- Campgrounds and recreational vehicle parks
- Clubs/lodges, private
- Colleges
- Contractor yards*
- Country clubs
- Emergency services stations
- Fraternity or sorority houses
- Golf courses
- Greenhouses, wholesale
- Group home, institutional
- Health facilities
- Home based businesses
- Home occupations (See §503.3 for accessory use home occupations.)
- Kennels
- Manufacturing, light*
- Meeting, assembly or banquet halls
- Menageries
- Mineral extraction
- Nurseries, wholesale
- Pipeline compressor station, metering station or operation/maintenance facilities
- Recreational facilities, indoor and outdoor commercial*
- Recreational facilities, public
- Resorts
- Restaurants
- Restaurants, take out
- Restaurants, outdoor
- Retail businesses
- Schools, public or private, primary or secondary
- Service establishments
- Shooting preserves
- Shooting ranges, outdoor commercial
- Solar power generation, commercial
- Stables, commercial
- Storage yards for forest products and minerals*
- Swimming pools, commercial*
- Trade schools
- Veterinary clinics, outdoor facilities
- Warehouses*
- Wholesale businesses
- Wind energy facilities, commercial
- Zoos

*Front, side and rear setbacks shall be twice the normal requirements of the District. Other Ordinance provisions may require greater setbacks.

SPECIAL EXCEPTIONS
(Planning Commission/ZHB)

- none

NOTE:

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

MR - MIXED RESIDENTIAL DISTRICT -- SCHEDULE OF USES	
<p>INTENT: To provide for higher density residential development to meet housing needs of all sectors of the population. The MR Districts are located closer to the Village of Hamlin, which serves as the area's center for retail and service establishments, and to the Village of Sterling. The MR District also allows all uses permitted in the RD District under the same development conditions.</p>	
<p>PRINCIPAL PERMITTED USES (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> - All principal permitted uses in the RD District 	
<p>CONDITIONAL USES (<u>Planning Commission/Supervisors</u>)</p> <ul style="list-style-type: none"> - All conditional uses in the RD District* - Mobile home parks - Multi-family dwellings <p>*The increased setbacks in the RD District shall apply.</p>	
<p>SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>)</p> <ul style="list-style-type: none"> - none 	<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the MR District except as approved in accord with §404.2.</p>

MU - MIXED USE DISTRICT -- SCHEDULE OF USES	
<p>INTENT: To recognize existing uses of a nature incompatible with residential uses and other commercial uses; and, to provide an area with good access to I-84 for the expansion of such uses; including natural resource uses, junk yards, and solid waste disposal facilities. In order to allow for a wider range of options for property owners, the uses permitted in the RD District are also permitted in the MU District.</p>	
<p>PRINCIPAL PERMITTED USES (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> - All principal permitted uses in the RD District 	
<p>CONDITIONAL USES (<u>Planning Commission/Supervisors</u>)</p> <ul style="list-style-type: none"> - All conditional uses in the RD District* - Adult businesses - Bulk fuel storage facilities - Concentrated animal feeding operations - Explosives plants or storage facilities - Fireworks plants or storage facilities - Industry - Heliports - Mineral processing - Mineral depots - Junk yards - Power plants - Race tracks - Slaughterhouses - Solid waste facilities <p>*The increased setbacks in the RD District shall apply.</p>	
<p>SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>)</p> <ul style="list-style-type: none"> - none 	<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the MU District except as approved in accord with §404.2.</p>

VB - VILLAGE BUSINESS DISTRICT -- SCHEDULE OF USES	
<p>INTENT: To recognize the role which the Village of Sterling has played in the history of Sterling Township. The Village has served to provide Township residents convenient access to shopping for daily needs and for personal services. Given the character of the existing village, including relatively small lot sizes and existing structures, the standards applied to business development in the VB District are intended to limit the size, scale and impact of such uses on existing, intermingled and adjoining residential uses. This is accomplished by establishing certain development standards and allowing only those types of uses which will not generate excessive volumes of traffic, noise, odors, and other such nuisances.</p>	
<p>PRINCIPAL PERMITTED USES (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> - Agricultural products processing only for products raised on the premises - Agritourism - Art/craft studios - Assisted living facilities - Banks - Bed and breakfast inns - Boarding houses - Bus shelters - Business offices - Business services - Cemeteries - Charging stations - Clubs and lodges, private - Community centers - Conference centers - Conservation design subdivisions - Crop production - Cultural centers - Day care centers - Development sales offices - Farmers markets - Forestry - Funeral homes - Group homes - Group homes, institutional - Massage facility, therapeutic - Meeting, assembly or banquet halls - Micro-breweries - Motels - Nurseries, wholesale - Office buildings - Personal care homes - Professional offices - Public and semi-public buildings and uses - Public parks and playgrounds - Recreation facility, indoor commercial - Religious quarters - Restaurants - Restaurants, take out - Retail businesses - Service establishments - Single-family detached dwellings - Theaters, indoor - Two-family dwellings - Veterinary clinics - Wineries, farm 	
<p>CONDITIONAL USES (<u>Planning Commission/Supervisors</u>)</p> <ul style="list-style-type: none"> - Abused person shelters - Clinics - Convenience stores - Domestic violence shelters - Drive-in stand/use for uses otherwise permitted in VB District - Emergency services stations - Halfway houses - Home based businesses - Home occupations (See §503.3 for accessory use home occupations.) - Hotels - Multi-family dwellings - Nightclubs - Places of worship - Recreational facilities, public - Restaurants, outdoor 	
<p>SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>)</p> <ul style="list-style-type: none"> - none 	<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the VB District except as approved in accord with §404.2.</p>

GC - GENERAL COMMERCIAL DISTRICT -- SCHEDULE OF USES

INTENT: To provide for the orderly development of those uses necessary to meet the community and regional needs for general goods and services as well as those of a social, cultural and civic nature; to provide sufficient space, in appropriate locations to meet the anticipated future needs for manufacturing and industrial activity on a conditional use basis.

PRINCIPAL PERMITTED USES (Zoning Officer)

- Abused person shelters
- Agritourism
- Amusement arcades
- Art/craft studios
- Auction houses
- Banks
- Bed and breakfast inns
- Boarding houses
- Business offices
- Business services
- Bus, limousine or taxi terminals
- Bus shelters
- Bus stations
- Charging stations
- Clinics
- Clubs/lodges, private
- Colleges
- Community centers
- Conference centers
- Convenience stores
- Crop production
- Cultural centers
- Day care centers
- Development sales offices
- Dormitories
- Farmers markets
- Forestry
- Fraternity or sorority houses
- Funeral homes
- Greenhouses, wholesale
- Group homes
- Group homes, institutional
- Group quarters
- Hotels
- Lumberyards
- Massage facility, therapeutic
- Meeting, assembly or banquet halls
- Micro-breweries
- Motels
- Nightclubs
- Nurseries, wholesale
- Office buildings
- Personal care homes
- Places of worship
- Professional offices
- Public and semi-public buildings and uses
- Public parks and playgrounds
- Recreational facilities, indoor and outdoor commercial
- Recreational facilities, public
- Religious quarters
- Restaurants
- Restaurants, take-out
- Retail businesses
- Schools, public or private primary or secondary
- Self-storage facilities
- Service establishments
- Shopping centers and malls
- Single-family dwellings
- Theaters, indoor
- Travel plazas
- Vehicle or equipment rental, repair or sales operation
- Two-family dwellings
- Veterinary clinics, indoor and outdoor
- Warehouses
- Wholesale businesses
- Wineries, farm

CONDITIONAL USES (Planning Commission/Supervisors)

- After hours clubs
- Amusement parks
- Animal shelters
- Bus stations
- Bus, limousine or taxi terminals
- Car washes
- Commercial communications device sites
- Contractor yards
- Correctional facilities
- Crematoriums
- Distribution centers/truck terminals
- Drive-in stand/use for uses otherwise permitted in C District
- Emergency services stations
- Flea markets, outdoor
- Gaming establishments
- Garages, public parking
- Helistops
- Home occupations (See §503.3 for accessory use home occupations.)
- Hospitals
- Industry
- Kennels
- Manufacturing, light
- Outdoor entertainment
- Park and ride facilities
- Resorts
- Restaurants, outdoor
- Retail/commercial development, large scale
- Retail home heating fuel distributors
- Shooting range, indoor commercial
- Theaters, drive-in
- Truck washes
- Water withdrawal facilities

SPECIAL EXCEPTIONS

(Planning Commission/ZHB)

- none

NOTE:

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

PBP - PLANNED BUSINESS PARK DISTRICT -- SCHEDULE OF USES

(See §405 for Special Standards.)

INTENT: To . . .

- A. Provide a planned district with sufficient space to accommodate the region’s expected future business and manufacturing growth requirements. This district will provide a location for the establishment of light manufacturing enterprises, the transaction of business, the rendering of professional services or other services involving stocks of goods, ware or merchandise.
- B. Protect and buffer abutting districts by establishing setbacks, providing off-street parking and loading/unloading areas and requiring landscape screening and plantings of new landscape materials between existing trees.
- C. Minimize the danger of fires, explosions, toxic and noxious matter, radiation, offensive noise, vibration, smoke, odor and other objectionable influences or hazards.
- D. Promote a well considered development that protects the character of the area and established patterns in adjacent development, thereby maintaining land values and protecting the tax base.

Note: North American Industry Classification System (NAICS) codes refer to the 2012 U.S. NAICS Manual and said 2012 Manual shall be used for the classification of the uses in the PBP District. A listed 3-digit or 4-digit NAICS Code includes all uses in that 3-digit or 4-digit series unless a use is specifically excluded.

PRINCIPAL PERMITTED USES (Zoning Officer)

- NAICS 111 - Food crops grown under cover, nursery and tree production, floriculture production, excluding:
 - 1. NAICS 111411 - Mushroom production
- NAICS 115112 - Soil preparation, planting and cultivation (enclosed facility - greenhouse/grow room)
- NAICS 3114-3119 - Agricultural products processing for human consumption, excluding:
 - 1. NAICS 311611 - Animal slaughtering
 - 2. NAICS 311612 - Meat processed from carcasses
 - 3. NAICS 311613 - Rendering and meat byproducts processing
 - 4. NAICS 311615 - Poultry processing
 - 5. NAICS 311710 - Seafood product preparation and packaging
- NAICS 313-315 - Fiber, fabric, textile, rope, carpet, apparel and related manufacturing
- NAICS 316998 - Novelties manufacturing
- NAICS 321 - Veneer/plywood, engineered wood member, truss, window/door, cut stock/re-sawing/planing, millwork, container/pallet, and manufactured home/building manufacturing, excluding:
 - 1. NAICS 321113 - Sawmills
 - 2. NAICS 321114 - Wood preservation (See conditional uses.)
- NAICS 323 - Commercial printing and support activities
- NAICS 325411 - Medicinal and botanical manufacturing
- NAICS 3261-3262 - Plastic related, polystyrene/urethane/other foam related, and rubber related product manufacturing, excluding:
 - 1. NAICS 326199 - All other plastics product manufacturing (See conditional uses.)
 - 2. NAICS 326211 - Tire manufacturing
 - 3. NAICS 326212 - Tire retreading
 - 4. NAICS 326299 - All other rubber product manufacturing (See conditional uses.)
- NAICS 3271-3272 - Clay, pottery, ceramics, and glass related and plumbing fixture manufacturing
- NAICS 332 - Light metal fabrication, prefabricated metal building/window/door/sheet metal work manufacturing, hardware/spring/wire product manufacturing, metal heat treating/coating/engraving/electroplating related, plumbing/hose/valve/pipe related manufacturing, small arms/ordnance/accessories manufacturing, excluding:
 - 1. NAICS 3321 - Forging, roll forming, powder metallurgy and stamping (See conditional uses.)
 - 2. NAICS 332992 - Small arms ammunition manufacturing (See conditional uses.)
 - 3. NAICS 332993 - Ammunition manufacturing (See conditional uses.)
- NAICS 333249 - Light bulb and tube machinery manufacturing
- NAICS 333316 - Light meters, photographic manufacturing
- NAICS 333318 - Flight simulation machinery manufacturing

PBP - PLANNED BUSINESS PARK DISTRICT -- SCHEDULE OF USES**PRINCIPAL PERMITTED USES** (Zoning Officer)

- NAICS 334-335 - Computer/electronics, meter/control, recording, appliance, motor/generator, wire/cable related assembly, manufacturing and distribution, excluding:
 1. NAICS 335911 - Storage battery manufacturing
 2. NAICS 335912 - Primary battery manufacturing
- NAICS 336211 - Truck, bus, cab and automobile body manufacturing with the bodies sold separately or assembled on purchased chassis and sold as complete vehicles
- NAICS 336320 - Motor vehicle electrical and electronic equipment manufacturing
- NAICS 336411 - Ultralight aircraft manufacturing
- NAICS 336413 - Aircraft auxiliary parts manufacturing
- NAICS 337 - Kitchen cabinet and countertop, furniture, custom woodwork/millwork, showcase/shelving/locker, mattress, blind/shade manufacturing
- NAICS 339 - Medical/dental related, jewelry/silverware, sporting/athletic goods, doll/toy/game, office supply (except paper), sign, gasket/packing/sealing device, musical instrument, fastener/button/needle/pin, broom/brush/mop, burial casket, excluding:
 1. NAICS 339999 - All other miscellaneous manufacturing (See conditional uses.)
- NAICS 423-425 – Merchant wholesalers, durable goods, business to business electronic markets, and wholesale trade agents/brokers, excluding:
 1. NAICS 423930 - Recyclable material merchant wholesalers
 2. NAICS 423520 - Coal and other mineral and ore merchant wholesalers (See conditional uses.)
 3. NAICS 424520 - Livestock merchant wholesalers
 4. NAICS 424590 - Other farm product raw material merchant wholesalers (See conditional uses.)
 5. NAICS 424690 - Other chemical and allied products merchant wholesalers (See conditional uses.)
 6. NAICS 424710 - Petroleum bulk stations and terminals
 7. NAICS 424720 - Petroleum and petroleum products merchant wholesalers
- NAICS 4885-4931 – Freight transportation arrangement, packing/crating, postal serves facilities, courier/delivery services, warehousing and storage
- NAICS 511-561 – Publishing industries, information, finance/insurance, real estate, professional/scientific/technical, biotechnology, research and development, management, administrative/support and educational services
- NAICS 621-624 - Health care and social assistance services
- NAICS 721 - Accommodation and food services
- NAICS 921-928 - Public administration offices

CONDITIONAL USES (Planning Commission/Supervisors)

- NAICS 311710 - Seafood product preparation and packaging
- NAICS 321114 - Wood preservation
- NAICS 326199 - All other plastics product manufacturing
- NAICS 326299 - All other rubber product manufacturing
- NAICS 3321 - Forging, roll forming, powder metallurgy and stamping
- NAICS 332992 - Small arms ammunition manufacturing
- NAICS 332993 - Ammunition manufacturing
- NAICS 336510 - Light rail cars and equipment manufacturing
- NAICS 339999 - All other miscellaneous manufacturing
- NAICS 423520 - Coal and other mineral and ore merchant wholesalers
- NAICS 424590 - Other farm product raw material merchant wholesalers.
- NAICS 424690 - Other chemical and allied products merchant wholesalers
- NAICS 484 – Freight trucking
- Basic industrial manufacturing (see definition in §405.1) not otherwise listed as a Principal Permitted Use or Conditional Use in this PBP Schedule of Uses

PBP - PLANNED BUSINESS PARK DISTRICT -- SCHEDULE OF USES	
<p>CONDITIONAL USES (<u>Planning Commission/Supervisors</u>)</p> <ul style="list-style-type: none"> - Light manufacturing (see definition in §405.1) not otherwise listed as a Principal Permitted Use or Conditional Use in this PBP Schedule of Uses - Principal Permitted Uses listed in this PBP Schedule of Uses involving more than three hundred thousand (300,000) square feet of gross floor area - Principal Permitted Uses listed in this PBP Schedule of Uses primarily involving outdoor storage or stockpiling of materials used in production or held in inventory - Principal Permitted Uses listed in this PBP Schedule of Uses generating traffic that would be classified by the Pennsylvania Department of Transportation as a Medium Volume Driveway 	
<p>ACCESSORY USES (<u>Zoning Officer</u>)</p> <ul style="list-style-type: none"> - Garages, warehouses and enclosed storage facilities - Fuel storage for use on the premises or for the vehicle fleet stationed on the premises - Off-street parking and loading/unloading areas - Communications facilities excluding commercial communications devices - Nursery schools or day care facilities primarily serving on-site businesses - Recreation and cafeteria facilities for company employees and families, including trails, picnic areas, recreational areas and public access facilities open to the general public - Retail outlets connected with on-site distribution/warehousing, manufacturing or processing operations - Signs - Water and sewage treatment facilities, pump houses, water towers, fire protection monitors, and other auxiliary installations - Other accessory structures and uses customarily associated with Principal Permitted and Conditional Uses listed in this PBP Schedule of Uses 	
<p style="text-align: center;">SPECIAL EXCEPTIONS (Planning Commission/ZHB)</p> <ul style="list-style-type: none"> - none 	<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the PBP District except as approved in accord with §404.2. This shall not apply to prohibited uses.</p>
<p>PROHIBITED USES</p> <ul style="list-style-type: none"> - Fuel distribution or processing operations - Junk yards, recycling facilities, salvage operations and solid waste facilities - Mini –warehouse facilities for consumer use - Natural resource uses and natural resources processing - Storage yards for forest products and stone - Vehicle and equipment sales, supply and repair facilities (except repair as an accessory use) - Other uses not complying with Article VIII and other applicable requirements - Any use not specifically allowed as a Principal Permitted Use, a Conditional Use or an Accessory Use by this PBP District Schedule of Uses 	

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.

SCHEDULE OF DEVELOPMENT STANDARDS

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

RESIDENTIAL STANDARDS - applicable to all single-family dwellings in all Districts. (Two-family dwellings - See Note #2 and #3.)				
Type of Water Supply and Sewage Disposal	Minimum Lot Area (acres)	Minimum Setbacks (feet)		
		front	side	rear
On-site water and on-site sewage	2.0	30	15	30
Community water and on-site sewage	1.5	30	15	30
Community sewage and on-site water	1.5	30	15	30
Community water and community sewage	1.0	30	15	30

COMMERCIAL STANDARDS - applicable to all nonresidential uses in all Districts.				
Zoning District	Minimum Lot Area (acres)	Minimum Setbacks (feet)		
		front	side	rear
VB - Village Business District	0.5	15	10	25
PBP - Planned Business Park District	See §405			
All other Districts	1.0	40	30	25

MAXIMUM BUILDING HEIGHT (feet) - measured from average elevation of finished grade to highest part of building (see definition and §501.4.)	
Residential structures	30
nonresidential structures except in PBP District	35
PBP District	See §405

MAXIMUM LOT COVERAGE (percent) - includes buildings, roads, parking areas, sidewalks, and other impervious surfaces -- see definitions. The following shall apply unless a lesser lot coverage is required or a greater lot coverage is permitted or by other provisions of this Ordinance.	
Residential uses	20
Nonresidential uses	
R District	40
RD, MR and MU Districts	50
VB District	65
GC District	75
PBP District	See §405.2E5

405 Planned Business Park District405.1 Purpose and Definitions

- A. Purpose - The purpose of this Article is to provide a structure to encourage and accommodate facilities involved in; a) assembling, disassembling, distribution, repairing, fabricating, finishing, packaging or processing of a light manufacturing nature, and b) office, professional or service type transactions; including normal accessory activities.
- B. Special Definitions - In addition to the definitions included in Article III, the following special definitions shall apply to the Planned Business Park District:

Manufacturing, Basic Industrial: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new materials, including, but not limited to; the manufacturing or transformation of materials for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products.

Manufacturing, Light: Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products that require special permits or special handling. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

405.2 Standards Applicable to Planned Business Parks and Uses Allowed

The following standards shall apply to both a Planned Business Park and individual uses allowed within the Planned Business Park District in addition to all other applicable requirements:

- A. Utilities - All electric, telephone, telecommunications, and other service lines shall be underground or routed along the rear lot lines wherever possible.
- B. Performance Standards - No land or structure in the district shall be used, occupied or operated in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions that may affect other properties. All uses shall comply fully with the applicable standards of Article VII.
- C. Parking on Highways - On street parking on public highways or interior access roads within the Planned Business Park shall not be permitted under any circumstance.
- E. Development Standards - The following development standards shall apply to Planned Business Park lots and the Planned Business Park.
1. Lot Size - Individual lots within a Planned Business Park shall be a minimum of three (3) acres in size. This shall not apply to lots used for locating utility structures.
 2. Lot Depth and Width - No lot, other than a utility lot, shall have less than two hundred (200) feet of lot depth or two hundred (200) feet of lot width.
 3. Yards - No lot, other than a utility lot, shall have any front yard of less than forty (40) feet, side yard of less than fifty (50) feet and rear yard of less than twenty-five (25) feet. Such yards shall be increased to a

minimum of one hundred (100) feet along the periphery of the Planned Business Park, except where such Planned Business Park adjoins another such business park or a commercial or manufacturing use.

4. Building Height

a. Structures within Planned Business Parks shall not exceed a height of forty-five (45) feet, except for unoccupied areas used for mechanicals, elevators, antennas and industrial processes, which shall be limited to a maximum of seventy-five (75) feet. Structures over thirty-five (35) feet in height shall require evidence from the fire department that substantiates capacity to provide fire protection services related to the structure.

b. Structures in excess of forty-five (45) feet in height, notwithstanding the limitation of §405.2E4a, may be approved as a conditional use.

5. Lot Coverage - Individual lots within Planned Business Parks shall be limited to a maximum lot coverage of seventy-five (75) percent, provided the total lot coverage for the Planned Business Park as a whole shall not exceed fifty (50) percent. However, no maximum lot coverage shall be permitted which violates the conditions of any NPDES permit issued by the Pennsylvania Department of Environmental Protection.

F. Land Disturbance - No land disturbance shall be permitted in advance of approvals of the Township.

405.3 Applicability to Existing Business Park

The provisions of this §405 shall also apply to existing business parks excepting that nothing herein shall be construed to require the redesign of existing lots or re-approval of already approved uses.

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 **Special Requirements**

501.1 **Front Setbacks**

All front setbacks shall be measured from the right-of-way line of the adjoining streets and rear and side setbacks from property lines.

501.2 **Access Drives; Driveways**

Access drives serving a permitted use shall be permitted in all setbacks 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 **Junk Accumulation**

The accumulation on any lot, parcel or two or more contiguous lots or parcels in joint ownership or under joint control, of more than two junk vehicles or two motor vehicles, or portions thereof, including, but not limited to, automobiles, trucks, vans buses, truck trailers, recreational vehicles, water crafts, or any other vehicle(s) intended for highway use which are not stored in a building and do not bear a current Pennsylvania state inspection sticker or registration or are not fit for immediate highway use, is prohibited.

501.4 **Height Limitations**

- A. Height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerals, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the limiting height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances.
- B In no case shall a nonresidential structure as set forth above be located closer to any property line than the highest part of the structure. Provided, however, that any such structure proposed to be a height in excess of sixty (60) feet shall be treated as a conditional use. The provisions of this §501.4B shall not apply to agricultural uses and structures.

501.5 **Nonconforming Lots of Record**

A single family dwelling and residential accessory structures may be erected on a non-conforming lot of record providing:

- A. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Protection has been properly issued.
- B. Front setbacks shall be provided as required by District regulations; however, side setbacks may be reduced to a minimum of ten (10) feet and rear setbacks may be reduced to a minimum of twenty (20) feet.

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

No part of any structure, whether attached to the principal structure or not, including, but not limited to, porches, carports, decks, patios, balconies, chimneys, bay windows or overhangs shall project into any required setback. All parts of structures shall meet the required setbacks.

501.7 Reduction of Required Area or Space

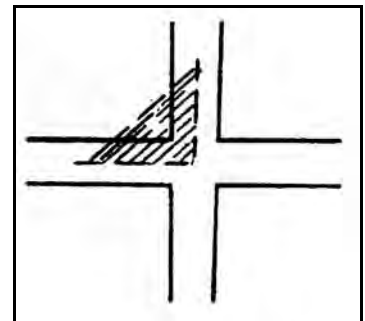
The area or dimension of any existing lot, setback, parking area or other space shall not be reduced to less than the minimum required by this Ordinance.

501.8 Street Frontage Required

In order to ensure safe and convenient access, and access by emergency vehicles, every principal building shall be built upon a lot with frontage on a public street or on a private street.

501.9 Traffic Visibility along Streets

- A. **Public Street Intersections** - At an intersection, a triangle area shall be established and sight obstructions shall be removed so that vision between a height from two (2) to ten (10) feet above the centerline grades of the intersecting streets is not obscured. Furthermore, by deed restriction, by lease restriction, or by plan amendment, whichever method is applicable, vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height from two (2) to ten (10) feet above the centerline grades of the intersecting streets. Such triangular area shall be determined by the intersecting street centerlines and a diagonal connecting two (2) points, one (1) at each street centerline each of which point is fifty (50) feet from the intersection of such street center lines, if both streets are minor or local access streets.



Clear Sight Triangle

- B. **Private Accessway and Public Street Intersections** - At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet measured from the point of intersection of the street line and the edge of the accessway, shall be maintained, within which vegetation and other visual obstructions shall be limited to a height of not more than two (2) feet above the centerline grade.

501.10 Drainage Facilities, Easements and Rights-of-Way

No building or structure shall be erected within any drainage facility, channel, ditch, easement or right-of-way and no drainage facility, channel, ditch, easement or right-of-way shall be otherwise obstructed or altered.

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

- A. **Residential Density** - For the purposes of density of two (2) or more principal 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).
- B. **Nonresidential Uses** - In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, mineral extraction, solid waste facilities, or other uses with a special size

requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.

- C. Residential and Nonresidential on the Same Lot - The following shall apply only where the lot complies with the required minimum residential lot size for the District.
1. First Unit - One (1) residential unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal nonresidential structure. The residential unit shall be occupied only by the owner or employee of the nonresidential use(s).
 2. Other Units - Other residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a nonresidential 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 nonresidential use.
- D. Structure Separation - Principal residential structures located on the same lot shall be separated by a distance at least twice the District minimum side setback requirement for each respective building. Principal nonresidential structures shall be separated by a distance not less than the greatest height of the adjoining buildings unless the Uniform Construction Code requires a greater separation. (See §503.1 for accessory structures.)

502.2 Corner Lots / Front Setbacks

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

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 Structures Accessory to Residential Buildings - Structures accessory to residential buildings which are not attached to a principal structure and do not exceed twelve (12) feet in height and 275 square feet in total floor area may be erected within the required side and rear setbacks of a principal structure, provided that no side setback be reduced to less than ten (10) feet. In the case of corner lots, the full setback as specified in §502.2 shall be maintained.
- B. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.
- C. Unattached Accessory Structures to Nonresidential Buildings - Unattached accessory structures for other than residential structures or uses shall comply with front and side setback requirements for the principal structure and shall have a minimum rear setback of not less than ten (10) feet. However, where the rear lot line abuts any R District, the rear setback shall be increased to the normal rear setback requirement.
- D. Child Playhouses - Child playhouses shall be considered accessory structures and shall comply with the requirements. However, a permit shall not be required for a child play house under one-hundred (100) square feet in total floor area.

- E. Utilities - Well houses and other accessory structures housing utilities and electricity generators, whether or not housed in a structure, shall comply with this §503.1.
- F. Disability Ramps - Temporary ramps accessory to single-family dwellings or two-family dwellings to provide access for a disabled person shall not be required to meet required setbacks provided the landowner provides a written agreement that the ramp will be removed when the person needing the ramp no longer occupies the dwelling. A permit shall not be required.
- G. Prohibited Storage Units - A mobile home, box or other type trailer, any unit which was originally designed with wheels and axle(s), truck body, cargo container, or other similar unit not originally designed for accessory residential storage shall not be used as an accessory building.

503.2 Reserved

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. Nothing in this §503.1.1 shall prevent the conduct of more than one (1) home occupation in a dwelling unit, provided the combination complies with all applicable standards. 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. The total area of all home occupations does not utilize more than seven hundred (700) square feet of the gross floor area of the dwelling unit and/or accessory structure.
- C. Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be confined to an area not exceeding two-hundred (200) square feet and said area shall conform to the setback requirements for principal structures established for the District and/or fencing or a buffer shall be required to screen the storage area if topography and natural screening is not adequate to screen the storage area from neighboring properties and any public or private road.
- D. A maximum of two (2) persons (or two full-time equivalents of part-time employees) other than members of the immediate family residing in the dwelling shall be employed in the home occupation(s). The total of all employees inclusive of family members shall not exceed four (4) persons. In the case of multi-family dwellings, the number of total employees of the home occupation(s) shall be limited to two (2) residents of the dwelling unit.
- E. 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.
- F. 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.

- G. Limited retail and/or wholesale sales establishments shall be permitted; however, the total area devoted to the indoor display of merchandise and/or sales area shall not exceed a total of two-hundred fifty (250) square feet. No merchandise shall be stored or displayed outdoors except in an area not to exceed one-hundred (100) square feet as measured by the perimeter of said area; and no merchandise on display in the residence or accessory structure shall be visible from outside except as displayed in a window not exceeding fifty (50) square feet as measured by the perimeter of said window. Retail and/or wholesale sales establishments shall not be permitted in multi-family dwellings.
- H. 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.
- I. One (1) sign not more than two (2) square feet for each face shall be permitted in accord with Article XI.
- J. §701, Performance Standards, shall also apply to home occupations.
- K. In cases where the home occupation will involve increased sewage flows the applicant shall demonstrate that adequate sewage disposal will be provided.
- 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. Custom dressmaking or tailoring.
 3. Foster family care for not more than four (4) children simultaneously.
 4. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 5. Tutoring for not more than four (4) children simultaneously.
 6. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
 7. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 8. Single chair beauty shops and barbershops.
 9. No-impact home-based businesses as defined in Article III.
- O. All applications for home occupations not specifically enumerated as permitted in §503.3.1N, except as 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 accessory to a single-family dwelling to permit a variety of commercial uses 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 and the required minimum setbacks for the building shall be double the normal District setbacks for principal buildings.
- 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, the regional uses not permitted in Sterling Township 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
 - Bulk fuel storage facilities
 - Bus terminals
 - Campgrounds and recreational vehicle parks
 - Car and truck washes
 - Commercial communications device sites
 - Convenience stores
 - Correctional facilities
 - Drive-in stands/uses
 - Flea markets
 - Funeral parlors
 - Gambling establishments
 - Heliports
 - Hotels
 - Junkyards
 - Manufacturing and industry
 - Mineral extraction
 - Mineral processing
 - Motels
 - Race tracks
 - Recycling facilities
 - Restaurants
 - Restaurants, outdoor
 - Restaurants, take-out
 - Self-storage facilities
 - Shooting ranges, outdoor commercial
 - Slaughter houses
 - Solid waste facilities
 - Solid waste landfills
 - Solid waste transfer facilities
 - Taverns
 - Theaters, indoor or drive-in
 - Truck terminals

503.4 Private Parking Areas and Garages

- A. Accessory off-street parking areas or garages serving the residential or nonresidential parking demand created by the principal building or use are permitted in accord with §504. Accessory garages shall conform with §503.1.
- B. Off-street parking of commercial vehicles on residential lots shall be permitted at the rate of one (1) vehicle per each full acre of lot area up to a maximum of four (4) vehicles per residential parcel or lot. No commercial vehicles shall be parked within the required front or side setbacks. This restriction shall not apply to commercial vehicles in a fully enclosed building.

503.5 Home Gardening, Nurseries and Greenhouses

Home gardening and accessory structures used for nurseries or as greenhouses are permitted accessory to residential uses provided they are used by the residents thereof for noncommercial purposes.

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 provided that such swimming pool is for the private use of the occupants of the principal structure or for their guests.
- B. Pools and associated patios and decks shall only be permitted in side and rear setbacks and the minimum side and rear setback shall be twenty (20) feet.
- C. Entry to in-ground and above-ground swimming pools shall be secured in accord with the Uniform Construction Code.
- D. A zoning permit shall not be required for pools where the water does not exceed twenty-four (24) inches in depth and which are not normally filled on a constant basis.

503.7 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- B. Zoning Permit Required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §503.7 and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular Temporary Uses Permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
 - 1. Contractor's Office and Construction Equipment Sheds
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 - d. Required water supply and sanitary facilities shall be provided.
 - 2. Real Estate Sales Office

- a. Permitted in any district for any new subdivision approved in accord with the Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
- b. Maximum length of permit shall be two (2) years.
- 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 or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
- b. Required water supply and sanitary facilities per PA DEP requirements and electrical service per the PA Uniform Construction Code shall 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. Prior to issuance of any occupancy permit for the new or rehabilitated residence, the mobile home shall be removed from the property, or the recreational vehicle shall be removed from the property or be discontinued as the temporary shelter.

4. Carnival or circus.

- a. Permitted in any district.
- b. Maximum length of permit shall be fifteen (15) days.
- c. No structure or equipment within five hundred (500) feet of any residential property line.

5. Events of public interest.

- a. Permitted in any district.
- b. Events may include but are not limited to outdoor concerts, auctions, and similar activities.

6. Religious tent meeting.

- a. Permitted in any district
- b. Maximum length of permit shall be thirty (30) days.

7. Horse show or exhibition - Permitted for any commercial or private stable for special events, including but not limited to shows, exhibitions, and contests.

- 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. Number and Duration - 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. Confined to Property - All items shall be placed and offered for sale within the confines of the property described in the permit.

- C. Commercial Operations - 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.

503.9 Dish Type Antennas

Dish type antennas, including but not limited to, those used in satellite reception or transmission of any signal governed by F.C.C. Regulations, shall be regulated by this Ordinance. Such antenna is typically in the form of a shallow dish which may be mounted on a permanent, temporary or portable structure. Satellite dish antennas may be located in any District in accord with the following conditions.

- A. It is not located in the required front setback or side setbacks.
- B. It is used solely for private, non-commercial purposes.
- C. When located on a lot containing a single-family or multi-family dwelling, the top of the antenna shall be no more than fifteen (15) feet above the natural grade and shall be screened so as not to be visible beyond the property.
- D. Construction/installation of any satellite dish twenty (20) inches or more in diameter shall require a zoning permit.

503.10 Animal Husbandry and Stables

Animal husbandry and stables are permitted in accord with the Schedule of Uses subject to the requirements of §805 and §806.2 respectively.

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 MU and PBP Districts 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 R 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 and a zoning permit shall be required. However, no fence shall be required.

503.13 Tennis Courts

A tennis court shall only be located in a rear or side yard and shall not be closer to a property line than twenty (20) feet. Tennis court fences shall be permitted, but shall not be closer than ten (10) feet to a property line.

503.14 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 §503.14E, *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 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.

503.15 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 §503.15 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. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- G. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- H. 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.

503.16 Private Flea Markets and Similar Events

Private flea markets, craft fairs, bazaars, celebration and similar community events conducted by a service, nonprofit, religious or charitable organization are permitted as accessory uses provided that the same are conducted upon lands owned by such organizations or conducted upon land leased to such organization situated in any district except a R District. Any such organization may not conduct a private flea market for more than seven successive days and not more than two (2) such periods in any one (1) calendar year.

503.17 Retail Sales of Agricultural/Forestry Products

Structures and parking associated with *retail sales of agricultural/forestry products produced and/or processed on the premises and retail sales up to 5,000 sq. ft. of agricultural/forestry related products with an active agriculture/forestry use* as permitted by the Schedule of Uses shall comply with the requirements for principal structures.

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 of Facilities

Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

504.2 Size and Design of Parking Spaces

Each vehicle parking space shall include a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet. Off-street parking areas shall be designed with sufficient aisle widths, turning radii and maneuvering room, based upon a standard professional design guide by the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

No more than sixty (60) parking spaces shall be provided in one parking area, nor more than fifteen (15) in one row without being separated by landscaping. No Parking space shall be designed such that a vehicle would back or drive from the space directly onto a through road and a defined entrance and exit shall be provided for each parking area.

504.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

504.4 Public Rights-of-Way

Parking shall not be permitted on public rights-of-way.

504.5 Number of Spaces to Be Provided

- A. Required Spaces - Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use, but with not less than the minimum spaces, as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- B. Multiple Uses - For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. In cases where the specific use of space cannot be identified, as for example, in multiple occupant commercial buildings or shopping centers, parking shall be provided at the rate of one space per two-hundred (200) square feet of gross floor area of the building.
- C. Spaces Held in Reserve - Should the applicant provide evidence that the number of parking spaces required by

this §504.5 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided, the Board of Supervisors by conditional use may allow the number of spaces to be reduced by up to forty (40) percent provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §504.5, and the applicant shall agree in writing to install the parking at the direction of the Board of Supervisors. All reserve parking areas shall be included in the calculation of lot coverage area and stormwater management calculations.

- D. Applicant Proposed Reduction - The required number of parking spaces may be reduced subject to approval by the Board of Supervisors by conditional use. The applicant shall provide evidence justifying the proposed reduction 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 Township Comprehensive Plan
 - 2. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
 - 3. Local Conditions - In making its determination the Board of Supervisors shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
 - 4. Burden; Conditions - If the Board of Supervisors, in its sole discretion, determines that the applicant has met the burden of proof, it may grant the decrease. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance, including, but not limited to, reserving parking.

USE	PARKING SPACES REQUIRED
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
A. Dwellings	
1. Single-family and two-family	2 per dwelling unit
2. Multi-family	2 per dwelling unit located with the unit plus 0.25 per dwelling unit for visitors and other spillover parking. No dwelling unit shall be more than 250 feet from a spillover parking area. No spillover parking area shall have less than 5 spaces.
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds

USE	PARKING SPACES REQUIRED
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 450 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 3 slips
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater

USE	PARKING SPACES REQUIRED
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Eating establishments with walk-up window service or indoor take-out counter service.	1 per 50 SFGFA open to the public plus 10 spaces per window service plus 5 per indoor take-out counter
L. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
M. Warehousing and storage	1 per 4,000 SFGFA
N. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public
<p>Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	
<p>For uses not specifically provided above, the Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.</p>	

504.6 Loading and Unloading Spaces

In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other non-residential uses, to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	40 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Pick-up truck or van	9	18

504.7 Access to Off-street Parking And Loading Areas and Highway Occupancy Permits

- A. Access - Access to and from all off-street parking, loading and vehicle service areas along Township and State public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with PA DOT requirements.
- B. Highway Occupancy Permits - All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Township may require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection. In making the determination of requiring a highway occupancy permit or a revised highway occupancy permit, the Township shall consider the following criteria:
 - 1. The anticipated increase in traffic volume. In the case of PA DOT permits, should the traffic increase from one level of permit to a higher level, a revised permit shall be required.
 - 2. The adequacy of the sight distance at the access to the property.
 - 3. Effectiveness or lack of existing traffic access controls such as curbing, fencing or landscaping.
 - 4. The number of parking and loading spaces available and the number required by this Ordinance.
 - 5. The occurrence of parking on the public road right-of-way and adjoining properties.
 - 6. Anticipated future development in the vicinity.

504.8 Access Drive and Parking and Loading Area Setbacks

- A. It is recommended that parking and loading areas be located to the side or rear of any building on the project parcel and not be located between the abutting road and any building. Parking areas should also, to the greatest extent possible, maintain the required front yard setback for the District.
- B. At a minimum, parking and loading areas, and access drives and interior circulation lanes, shall be separated from the cartway edge of a public road or adjoining property lines by a buffer area of not less than fifteen (15) feet in depth. The buffer area along adjoining property lines, but not the public road buffer, may be reduced to five (5) feet if a dense evergreen planting strip is provided and maintained.

504.9 Surfacing

All off-street parking areas and access roads shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.

504.10 Off-site Parking

Parking spaces may, if approved as a conditional use, be located on a lot other than that containing the principal use which the parking serves provided said lot is owned by the applicant or a written agreement for the long term, dedicated use of said lot is provided, approved by the Township Solicitor and accepted by the Board of Supervisors as adequate. The use of the auxiliary parking area so designated shall be dedicated solely to the parking use. Any off-street parking lot shall be located in the same zoning district as the use it is proposed to serve and shall comply with all applicable standards of this §504. Off-site parking shall be located within a distance that will achieve the purposes of this §504.

504.11 Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §504.8. The standards in §504.5 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

504.12 Handicapped Parking

Handicapped parking shall be provided in accord with the requirements of the Americans With Disabilities Act and generally accepted design standards.

**ARTICLE VI
RESIDENTIAL STANDARDS**

601 Conservation Subdivision Design Development (DEVELOPER'S OPTION)

601.1 Concept

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

601.2 Developer's Option

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

601.3 Purpose, Development Options, Applicability and Design Process

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

1. Conserve undeveloped land for the purpose of protecting Primary and Secondary Conservation Areas in contiguous, un-fragmented, commonly managed landscapes to:
 - a. Protect large, intact wildlife habitat areas and connect patches of wildlife habitat to support greater biodiversity, maintain ecosystem processes and allow larger, healthier populations to persist; and
 - b. Minimize edge conditions and associated colonization by invasive plant species.
2. Contribute to the creation of a community-wide Conservation Open Space system for the benefit of present and future residents;
3. Protect productive agricultural and silvicultural soils for continued or future use by conserving blocks of land large enough to allow for efficient production operations;
4. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density;
5. Encourage innovation and promote flexibility, economy and ingenuity in development;
6. Provide multiple development options for landowners to reflect their varying circumstances and the individual characteristics of their properties;
7. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences;
8. Provide homes with direct views of Conservation Open Space, organized around common greens;

9. Provide for the conservation and maintenance of Conservation Open Space and for active or passive recreational use by residents;
 10. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development;
 11. Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices;
 12. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
 13. Implement land use, natural resource conservation, open space, and community policies set forth in the Township's Comprehensive plan.
- B. Conservation Subdivision Design Development Options - In order to achieve the purposes in §601.3.A, this §601.3.B provides for flexibility in designing new residential subdivisions by permitting the following by right (permitted use) development options:
1. Option 1 - Basic Density and Basic Conservation providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §601.6 with not less than forty (40) percent of the tract comprised of conservation open space.
 2. Option 2 - Increased Density with Increased Conservation providing residential lots/units at the density permitted by the Density Standards Table in §601.6 with not less than fifty (50) percent of the tract comprised of conservation open space.
 4. Option 3 - Greater Density with Greater Conservation providing residential lots/units at the density permitted by the Density Standards Table in §601.6 with not less than fifty-five (55) percent of the tract comprised of conservation open space.
- C. Conservation Design Process - All Conservation Subdivision Design Developments shall be designed using the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance.

601.4 General Regulations

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

- A. Tract Size and Ownership - The development tract shall be a minimum of five (5) acres and shall be held in single ownership.
- B. Primary Conservation Areas - The proposed design shall conserve the Primary Conservation Areas. Demonstration by the applicant that these features are conserved by the proposed design shall be prerequisite to all preliminary and final plan approvals under the Subdivision and Land Development Ordinance. Primary Conservation Areas include:
 1. Delineated wetlands.
 2. Floodplain (including the floodway) as shown on the Township Flood Insurance Rate Map.

3. Slopes of twenty-five (25) percent or more.

C. Secondary Conservation Areas - The protection of Secondary Conservation Areas shall be addressed through the Four-Step Design Process detailed in the Township Subdivision and Land Development Ordinance.

601.5 Use Regulations

The following uses shall be permitted in Option1, Option 2 and Option 3 Conservation Subdivision Design Developments:

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

601.6 Maximum Dwelling Units and Minimum Conservation Open Space

A. Dwelling Units - The maximum number of dwelling units shall be determined by using the density factor calculation in the Density and Conservation Open Space Table and the formulas in §601.6.D.

DENSITY AND CONSERVATION OPEN SPACE					
ALL ZONING DISTRICTS WHERE SINGLE-FAMILY DWELLINGS ARE PERMITTED					
OPTION 1 Basic Density and Basic Conservation <u>10% density bonus¹</u>		OPTION 2 Increased Density with Increased Conservation <u>20% density bonus¹</u>		OPTION 3 Greater Density with Greater Conservation <u>30% density bonus¹</u>	
Density Factor (SF ATA / DU ²)	Minimum Conservation Open Space Required ³	Density Factor (SF ATA / DU ²)	Minimum Conservation Open Space Required ³	Density Factor (SF ATA / DU ²)	Minimum Conservation Open Space Required ³
on-site sewage disposal and on-site water supply					
74,410 (1.80 acres)	40% ATA	69,695 (1.60 acres)	50% ATA	60,985 (1.40 acres)	55% ATA
central sewage disposal and on-site water supply or on-site sewage disposal and central water supply					
58,806 (1.25 acres)	40% ATA	52,270 (1.20 acres)	50% ATA	45,740 (1.05 acres)	55% ATA
central sewage disposal and central water supply					
39,205 (0.90 acre)	40% ATA	34,850 (0.80 acre)	50% ATA	30,490 (0.70 acre)	55% ATA
¹ Based on minimum lot size for standard subdivision not using conservation design. Example: 43,560 - (10% x 43,560) = 39,204. ² SF ATA = square feet of Adjusted Tract Area in §601.6.D.3. ³ Plus Constrained Land calculated in §601.6.D.2.					

B. Conservation Open Space - The minimum Conservation Open Space shall be as set forth in the Density and Conservation Open Space Table.

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

C. Reserved

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

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

CONSTRAINED LAND				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	existing public street, utility or other rights-of-way		x 1.00	=
B	existing private streets		x 1.00	=
C	wetlands as determined by a delineation		x 0.50	=
D	floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		x 1.00	=
E	100-year floodplain (if not mapped by FEMA area is included in floodway above)		x 0.50	=
F	ponds, lakes and streams to the high water mark		x 1.00	=
G	drainage easements		x 1.00	=
H	prohibitive steep slopes (25% or greater)		x 0.80	=
I	CONSTRAINED LAND = SUM OF A through H =			

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

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

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

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

- F. Total Number of Dwelling Units - The total number of dwelling units permitted on a development site equals the maximum number of dwelling units permitted in §601.6.D (Adjusted Tract Acreage).

- G. Preservation of Historic Dwellings - To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the permitted maximum number of dwelling units, provided:

- A. Such dwellings are at least seventy-five (75) years old;
- B. The dwelling is preserved in accord with the National Park Service historic preservation standards; and
- C. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Board of Supervisors.

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

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

- A. Option 1, Option 2 and Option 3 - The standards in the following Dimensional Standards for Single-Family Dwellings Option 1, 2 and 3 Table shall apply to Option 1, Option 2 and Option 3.
- B. Maximum Lot Coverage - Maximum lot coverage for single-family dwellings in Options 1 through 4 shall be limited in accord with the following Maximum Lot Coverage table.

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

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

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

- D. Water Supply and Sewage Disposal for Two-Family and Townhouses - Two-family dwellings, quadraplexes and townhouses shall be served by a community water supply system and a community sewage disposal system.
- E. Dwelling Lots / Conservation Open Space - No part of any dwelling lot shall encroach upon Conservation Open Space.
- F. Setbacks - All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

DWELLING SETBACKS		
from:	Single-Family	Two-Family & Townhouses
external Township or State road rights-of-way	100 feet	150 feet
other perimeter boundaries of the development tract	50 feet	100 feet
crop land or pasture land not on the development parcel	100 feet	100 feet

DWELLING SETBACKS		
from:	Single-Family	Two-Family & Townhouses
buildings or barnyards housing livestock not on the development parcel	300 feet	300 feet
active recreation areas such as courts and play fields not on the development parcel (not including tot lots)	150 feet	150 feet

601.8 Reserved

601.9 Uses Permitted on Conservation Open Space

The following uses are permitted in Conservation Open Space areas:

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

H. Water/Sewer - Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed twenty (20) percent of the minimum ATA required in the Conservation Open Space. The following standards shall apply:

1. Water Supply Systems

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

2. Sewage Disposal Systems

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

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

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

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

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

§601.10 Conservation Open Space Design and Other Standards

- A. Four-Step Design - Conservation Open Space in all options shall be identified and laid out in accord with the Four-Step Design Process and Conservation Open Spaces Design Standards in the Subdivision and Land Development Ordinance, which begins with the identification of primary and secondary conservation areas.
- B. Map of Potential Conservation Lands - Conservation Open Space shall be laid out in accordance with the Township's Map of Potential Conservation Lands to ensure that, over time, an interconnected network of Conservation Open Space will be created.
- C. Layout - The Conservation Open Space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.
- D. Permanence, Ownership and Maintenance - The required Conservation Open Space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities. The Conservation Open Space shall be owned and maintained in accord with the Township Subdivision and Land Development Ordinance.
- E. Use by Development Residents - In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than twenty (20) percent of the Adjusted Tract Area. Not less than fifteen (15) percent of the Conservation Open Space shall be free of wetlands, floodway, and slopes over fifteen (15) percent; and, this minimum percentage shall be included in the Conservation Open Space set aside for the common use and enjoyment of the subdivision residents.
- F. Trails - When the Board of Supervisors determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Board of Supervisors may consider:
1. Implementation of the Township Comprehensive Plan, Open Space Plan, trail map or official map;
 2. Trails integral to children's access to schools and parks;
 3. Impact on woodland and stream corridors.
- G. Buffers for Adjacent Public Park Land - Where the proposed development adjoins public park, state forest or state game land, a natural Conservation Open Space buffer at least one-hundred-fifty (150) feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed, nor shall any clearing of trees or under story growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.
1. Where existing vegetation provides an adequate buffer, as determined by the Board of Supervisors, the depth may be reduced to seventy-five (75) feet.

2. Where the buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.
- H. Building lots - No portion of any building lot may be used for meeting the minimum Conservation Open Space requirement.
- I. Access - Pedestrian and maintenance access shall be provided to Conservation Open Space in accord with the following requirements:
1. No more than fifteen (15) lots shall be contiguous to each other without a centrally located access point meeting the following standards:
 - a. The width of the access strip shall not be less than twenty (20) feet.
 - b. The access strip shall extend the full depth of the adjacent lots.
 2. Access to Conservation Open Space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
- J. Landscaping - Conservation Open Space that is not wooded or farmed shall be landscaped in accord with the landscaping requirements and Conservation Open Space management plan standards.
- K. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the this Ordinance and the Township Subdivision and Land Development Ordinance.

601.9 Discretionary Density Bonuses

Additional density may be allowed by the Board when one of the following public purposes is proposed:

- A. Public Usage of Conservation Open Space - The Board may encourage the dedication of land for public use (including active and passive recreation areas, municipal buildings, etc.) according to the following standards: A density bonus for greater public usage of conservation open space in new subdivisions shall be computed on the basis of a maximum of one dwelling unit per five acres of conservation open space or per twenty-five hundred (2,500) feet of trail that becomes publicly accessible. The decision whether to accept an applicant's offer to dedicate conservation open space to public usage within a proposed subdivision shall be at the discretion of the Board, which shall be guided by the recommendations contained in the Township's Comprehensive Plan, particularly those sections dealing with active recreational facilities and passive trail networks.
- B. Endowment for Open Space Maintenance
1. When conservation open space is to be donated to a land trust or to the Township, the Board may allow up to a ten percent density bonus to generate additional income to the applicant for the sole purpose of endowing a permanent fund to offset continuing costs of maintaining the conservation open space (involving activities such as mowing meadows, removing invasive species, paying insurance premiums and local taxes, etc.), including costs associated with active or passive recreation facilities. Spending from this fund should be restricted to expenditure of interest so that the principal may be preserved. Assuming an annual average interest rate of five percent, the amount designated for the Endowment Fund shall be at least twenty (20)

times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm, or organization acceptable to the Board, and with experience in managing conservation land and recreational facilities.

2. Because additional dwellings, beyond the maximum that would ordinarily be permitted, may reasonably be considered to be net of development costs and represent true profit, seventy-five (75) percent of the net selling price of the endowment lots shall be donated by the applicant to the Open Space Maintenance Endowment Fund for the conservation open space within the subdivision. This fund shall be transferred by the developer to the designated entity with ownership and maintenance responsibilities, at the time this entity is created.
 3. When estimating the projected maintenance costs of the conservation open space, conservation open space that is not accessible by the subdivision residents for their common enjoyment need not be included in the calculations. Such lands would typically include areas designated on the Final Plan for Conservancy Lots or as land reserved for future agricultural, horticultural, silvicultural, or equestrian uses, which may be leased or sold to another party for those express purposes, and which are protected from future development by a permanent conservation easement. In such cases, the density bonus shall be adjusted proportionately to reflect only the acreage that is accessible to residents for their passive or active recreation.
- C. Implementation - For each of the above categories of public purposes, density bonuses may be implemented by reducing the amount of required conservation open space by up to ten (10) percent, reducing the minimum lot area requirements by up to ten (10) percent, or by a combination of these approaches, at the discretion of the Board. The cumulative reductions may total up to 20 percent, if the board is satisfied that the public purposes are being served.
- D. Age Restrictive Development - When the conservation subdivision is to be restricted to residents of the age of fifty-five (55) and older, a twenty-five (25) percent density bonus may be achieved by the applicant at the discretion of the Board. The development must adhere to the following:
1. The dwellings must be deed restricted to the satisfaction of the Township to persons at least 55 years of age and their spouses with no children routinely living in the development under the age of eighteen (18), and must satisfy all requirements of state and federal laws and regulations for Age Qualified Developments.
 2. Prior to final approval of the development plans, the Township must be satisfied with and agree to the legal arrangements and contracts to ensure the age restrictions will be adhered to.
 3. A minimum tract size of nine (9) acres is required.
 4. A maximum density of five (5) dwelling units per acre is permitted.
 5. The dwelling units shall be designed as a single architectural project and shall not detract from the character of the surrounding neighborhood.
 6. Unit types allowed shall include single-family detached, two-family and townhouse units up to four units in a row which shall not exceed one hundred thirty-two (132) feet in length.
 7. All other dimensional standards of the appropriate Density Option shall be satisfied.
 8. If the total development includes more than fifty (50) units, then a community center must be provided for

residents and their occasional guests. The community center may include a library, exercise room, craft shop, restroom facilities, restaurant, kitchen and dining area and community room.

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 §601.6D 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)	3	4	2
Density -- number of dwelling units per acre of useable land area (See §601.6D 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	20 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. 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 single-family dwellings, two-family dwellings or any R District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.

- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects 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 Nonresidential Use

Nonresidential 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 each guaranteed by financial security as required by the Board of Supervisors.

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, and shall not be permitted on lots of nonconforming size.

605.9 Water Supply and Sewage Disposal

Documentation of a water supply and sewage disposal system meeting Township and DEP requirements shall be provided.

605.10 Number of Residents

A maximum of eight (8) persons shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.

605.11 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 Minimum Residential Standards

The following standards shall apply to any structure or vehicle used for residential purposes (except for recreational vehicles in an approved campground) whether permanent, seasonal or intermittent:

515.1 Foundation

The structure or vehicle shall be placed on a permanent foundation meeting the requirements of the Uniform Construction Code and comply with all other applicable requirements of the Uniform Construction Code.

515.2 Water and Sewer

The structure or vehicle shall be served by adequate potable water supply and sewage disposal including as a minimum a toilet, bath and/or shower, indoor plumbing, and an approved sewage disposal system.

607 Reserved**608 Mobile Homes on Individual Lots**

Mobile homes placed upon single-family lots outside of mobile home parks shall comply in all respects with the requirements of this Ordinance for single-family residences.

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.

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

- 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 land development.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;

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

700.2 Site Design Process

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

- A. Mapping of Primary and Secondary Conservation Areas (see §602 of the Subdivision and Land Development Ordinance) 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 nonresidential use is proposed contiguous to any existing residential dwelling and where a GC, VB, RD or PBP District adjoins any R 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 ten (10) 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. 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.
- D. 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.
- E. All areas in and around parking areas shall be landscaped.
- F. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- G. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- H. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- I. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- J. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- K. 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 District, 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 except as follow:
 1. Trailers and containers, but not motor vehicles, painted one color without advertising and maintained in good condition, may be used as accessory structures provided all wheels and axles are removed, are erected and maintained as structures, maintain a front, side and rear setback of fifty (50) feet, are screened from view from adjoining properties in accord with §701.1 and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.
 2. Trailers and containers, but not motor vehicles, 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 provide 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. Definitions

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

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

2. Equivalent Noise Level (Leq) - The dBA level of a steady state sound which has the same dBA weighted sound energy as that contained in the actual time-varying sound being measured over a specific time period (2003, Eilar Associates, Encinitas, CA).
3. Ambient Noise Level - The average A-weighted Noise Level (Leq) at any specified point which is representative of the noise level of that environment over an extended period of time. It is a composite of all sounds from sources, both near and far.
4. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity (e.g., a wind farm), that produces noise as a consequence of its operation. A collection of equipment may not necessarily be connected or related, if they may be operated simultaneously.
5. Suspect Source - A Noise Source that may be in violation of this §701.6, identified by the nature of sounds or a correlation with the times of operation and the alleged violation.

B. Limits

1. Ambient Noise Level Threshold
 - a. No Noise Source shall produce an A-Weighted Noise Level at any point in the Township outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of ten (10) dBA above the Ambient Noise Level.
 - b. An increase in excess of ten (10) dBA shall be permitted provided the owner/operator of the Noise Source acquires a noise easement in form and content approved by the Township (solely with respect to the noise easement) from the affected property owner which establishes the maximum increase. However no increase shall be permitted for properties separated by any public road right of way and in no case shall the maximum noise level exceed the level established by §701.6B3.
2. Ambient Noise Level - For projects being developed, the Ambient Noise Level for the entire project may be established prior to construction of such project for the duration of construction and operation of such project by measuring the noise level near the boundaries of the property on which the project is to be constructed in accordance with §701.6.C below for a continuous two (2)-week period no more than two (2) years prior to the start of construction of such project.

Maximum Sound Levels					
Period	Receiving Land Limits (dBA)				
	Existing Dwelling	Zoning District			
		R	VB	MR, RD	GC, MU, PBP
Monday-Saturday, 7:00 a.m. - 9:00 p.m.	60	60	60	65	70
Saturday, 9:00 p.m.- Monday, 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m.	50	50	55	60	70

3. Maximum Noise Level - Notwithstanding any of the foregoing provisions of this §701.6B, in no event shall

a Noise Source produce an A-Weighted Noise Level outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of the limits established in the Maximum Sound Levels Table.

C. Measurements

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

D. Investigation of Complaints

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

conduct a test.

- b. The test should be close to the time of day and day of week of the complaint, but shall not represent an unreasonable burden on the complainant or the owner/operator of the Suspect Source.

3. Background Noise Level

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

4. Average Background A-weighted Noise Level

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

5. Measurements

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

- c. The equation for deducing the A-weighted Noise Level (Leq) being produced by the Suspect Source (Ls) shall be as set forth below where L1 equals the measured average A-weighted Noise Level (Leq) of the background without the Suspect Source in operation and L2 equals the measured average A-weighted Noise Level (Leq) of the background with the Suspect Source in operation. Basically, Ls equals L2 minus L1 as shown in log notation below which is the basis for decibel calculations.

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

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

the report

- d. a calibration mark using the field calibrator

- 11. A list of witnesses or other persons present during the measurements.
- 12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.

F. Studies for Proposed Use

- 1. Compliance with Standards - Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §701.6 by providing reasonable documentary evidence, which may include:
 - a. Engineering studies which estimate the environmental noise levels from the proposed equipment operations and the impact of mitigation measures applied to the equipment and/or site; and/or
 - b. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).
- 2. Loudspeakers - The applicant shall provide specifications for any proposed exterior loudspeakers and detail how compliance will be attained.
- 3. Conditions - Given the inherent vagaries of acoustic predictions and the variability of acoustic measurements, the Board of Supervisors may apply conditions which are more conservative than would be indicated by the studies. In any case, the acceptance of proposed control or mitigation measures does not relieve the applicant from complying with the standards provided in this Article and/or a conditional use approval.

G. Exceptions - The standards in this §701.6 do not apply to:

- 1. Radiated noise levels for vehicles or other operations subject to state or federal preemption.
- 2. The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between sunrise and sunset.
- 3. Emergency equipment and signals.
- 4. Emergency operations of any kind, including, but not limited to, road repairs, utility repairs, response to accidents, injuries, fires, flooding, or hazardous material spills.
- 5. Short duration activities, such as construction or repair of facilities or infrastructure.
- 6. Discharge of firearms.

701.7 Vibration

Operating or permitting the operations of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section,

vibration perception threshold means the minimum ground-or- structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

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

- h. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards

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

- 2. Luminaire Design

- a. Horizontal Surfaces

- 1) For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
 - 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. Reserved
- e. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be extinguished after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 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 twenty-five (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 XI.
- 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 §701.8D6.
- 2. A proposed illuminated recreational facility located within a R-Residential District or sited on a nonresidential property located within 1,000 feet of a property in a R-Residential District shall be considered a conditional use.
- 3. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games.
- 4. The Township reserves the right to limit the number of illuminated sporting events per week or season.
- 5. Maximum mounting heights for recreational lighting shall be in accordance with the following:
 - a. Basketball 20 feet
 - b. Football 70 feet
 - c. Soccer 70 feet
 - d. Lacrosse 70 feet
 - e. Baseball and softball
 - 1) 200-foot radius 60 feet
 - 2) 300 -foot radius 70 feet
 - f. Miniature golf 20 feet
(See driving range in §701.8D1.)

- g. Swimming pool aprons 20 feet
- h. Tennis 20 feet
- i. Track 20 feet
- j. All uses not listed 20 feet

6. Visual Impact Plan -To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §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 §701.8C3.
- 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 §701.8D6.
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 Reserved

701.10 Odors

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

701.11 Other Forms of Air Pollution

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

701.12 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. 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 Wayne 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, residential or other area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or 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 Reserved

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 not be permitted.

701.17 Security

In cases where deemed necessary by the Township (correctional 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 Travel Routes

The Applicant shall provide a map showing the public roads proposed to be used to travel to and from the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

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 Reserved

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. 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 nonresidential use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
11. Any nonresidential use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas

The requirements of this §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, and the community environment with respect to facilities and services and quality lifestyle.

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 Wayne 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 us 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 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 U.S.D.A. Soil Conservation Service maps. The following performance standards shall apply:

- 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 five (5) foot intervals and any areas to be graded. The proposed location of any sewage system shall also be shown along with springs, 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. In cases where a structure is proposed, the applicant shall submit to the Township a plan prepared by a Professional Engineer for the construction of any foundations including the specific design criteria to accommodate the construction on steep slopes. No certificate of use shall be issued until such time as the project engineer provides to the Township a certification that all construction has been completed in accord with the approved plans.
- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill has been used shall exceed a fifty percent (50%) slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety percent (90%) of maximum density shall be achieved.
- F. No more than seven thousand (7,000) square feet of area may be totally cleared for building purposes including house, garage and driveway.
- G. At least fifty percent (50%) of the area to be used for building purposes shall be less than fifteen percent (15%) slope as indicated by a contour map.
- H. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall be installed along existing contours.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- K. Natural vegetation shall be preserved to as great a degree as possible.

704.2 Wetlands

Wetlands shall be shown on the plan, as identified by USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service, for all applications proposing a new use or expanded use of land. If the Township believes that wetlands may exist where said maps do not show wetlands, or that any wetland may be adversely affected by the proposed development, the applicant may be required to submit a detailed, site specific wetland delineation made by an individual or firm deemed qualified by the Township. A certification from the appropriate state and federal agency may also be required by the Township. 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.

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 proposed for nonresidential development excluding agriculture:

- 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 Grading and/or Filling Operations

The grading and/or filling of a lot, parcel or any site involving cuts and/or fills with an average depth greater than five (5) feet over an area of one (1) acre or more shall require a zoning permit when such grading is not part of an approved subdivision or land development plan. When a permit is required, the following standards and requirements shall apply:

707.1 Plan

The applicant shall submit a grading plan and drainage plan and report, prepared by a registered engineer or land surveyor, which include existing and proposed contours with an interval not exceeding two (2) feet at a scale not greater than fifty (50) feet to the inch, and an analysis of existing and proposed conditions.

707.2 Stormwater

The proposed grading shall not result in an increase in the rate of stormwater runoff from the site, nor an alteration of the existing points of discharge from the property without the written approval of all affected property owners.

707.3 Slopes

No resulting slope shall be steeper than two (2) horizontal to one (1) vertical unless it is constructed according to a suitable design of an alternative slope which has been prepared and certified by a registered professional engineer and accepted by the Township.

707.4 Hazardous Conditions

The proposed grading shall not result in a condition hazardous to the public. During construction, suitable fences or barriers shall be installed where necessary to maintain the public safety.

707.5 Clear Zone

The proposed grading shall not adversely affect the *clear zone*, as defined by PennDOT, of any public road.

707.6 Erosion and Sedimentation Control

The applicant shall obtain all required approvals for soil erosion and sedimentation from the Wayne Conservation District and PA DEP and provide copies to the Township.

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.
13. Any drive-in stand/use.

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**

- A. Applicable Standards - In addition to all other applicable standards in this Ordinance, the standards in this Article VIII, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Ordinance sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.
- B. Minimum Required Area - There shall be no ambiguity or alternate interpretation of the provisions of this Article VIII related to the minimum land area required for specific uses. Area of land, land area, lot size, parcel area, parcel size, tract area and any similar terms as related to the minimum area required shall be determined in accord with the definition of lot area, minimum required in §303.

801 Reserved

802 Adult Businesses

802.1 Findings

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

- A. Health Concerns - The concern over sexually transmitted diseases is a legitimate health concern which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Behavior - Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments
- C. Sexual Acts - Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Unhealthy Conditions - Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Sexual Activities - Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

- F. Communicable Diseases - At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Unhealthy Conditions - Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Bodily Fluids - Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view *adult* oriented films.
- I. Accountability - Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- J. Externalities. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community - A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this
- K. Operational Characteristics - It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this
- L. Reason for Control - The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

802.2 Intent

It is the intent of this §802 to:

- A. Secondary Effects - Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Zoning District - Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Content - Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials
- D. First Amendment - Not totally restrict or deny access by adults to sexually oriented materials or adult materials

protected by the First Amendment of the Bill of Rights of the U.S. Constitution

- E. Intended Market - Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. PA Code - Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

802.3 Standards

The following standards shall apply to adult businesses:

- A. Setbacks - Adult business shall comply with the following minimum setbacks:
 - 1. One hundred (100) feet from any public road right-of-way;
 - 2. One hundred and fifty (150) feet from any property line;
 - 3. Three hundred (300) feet from any from any R District boundary line, any public park or public recreation facility or any separately deeded lot which contains any one (1) or more of the following uses. The distance between any such facility and any listed use shall be measured in a straight line, without regard to intervening structures, from the closest point of any building or parking area associated with the proposed facility to any structure containing any:
 - a. residence
 - b. group care facility
 - c. facility catering primarily to persons under 18 years of age
 - d. public or semi-public building or use
 - e. health facility
 - f. any establishment that sells alcoholic beverages
 - g. gaming establishment; and,
 - 4. Five hundred (500) feet from any:
 - a. place of worship
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within one thousand (1,000) feet of any other adult business.
- C. Measurement - The setbacks established in this §802 shall be measured from the nearest edge of the building used for the adult business to the nearest edge of the building used for a use from which the required setback applies. In the case of a required setback use without a building, the setbacks shall be measured from the nearest edge of the building used for the adult business to the nearest point of any structure associated with the use from which the setback applies. The measurement shall be made in a straight line without regard to intervening structures or objects
- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of this Ordinance, but only in accord with the limitations of this Ordinance.

- E. Limit of One Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §802 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except as permitted in §802.3D. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any other type of adult business.
- G. Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §802.3A is developed within the required setback distance.
- H. Lighting - Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this Ordinance.
- I. Visibility - Any building, structure, or room used and occupied as an Adult Business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed, and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- J. Signs - Exterior signs shall comply with the provisions of Article XI however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (10) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- K. Entrances - Each and every entrance to the structure shall be posted with a notice that the use is an Adult Business, that persons under the age of eighteen (18) are not permitted to enter, and warning all others that they may be offended upon entry.
- L. Physical or Sexual Contact - No use shall include live actual or simulated sex acts or any physical or sexual contact between employees and contractors, entertainers or dancers, nor between employees, contractors, entertainers or dancers and customers. At an adult live entertainment use or facility, employees, entertainers and dancers shall maintain a minimum distance of three (3) feet from customers.
- M. Hours of Operation - The use shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
- N. Viewing Booths - For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- O. Garments - All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful Adult Live Entertainment Use or Facility.
- P. State Law Compliance - As a specific condition of approval under this Ordinance, the applicant shall prove compliance with all applicable State laws, including, but not limited to, the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented

Establishments and which limits enclosed viewing booths among other matters).

Q. Exemption for Modeling Class - Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall be exempt from the provisions of this §802:

1. By a proprietary school, licensed by the State, or an academically accredited college or university;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
3. In a structure.
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

803 Reserved

804 Airports And Heliports (See also Article XIII.)

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, taxiway or holding area if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;
- D. Any change of runway direction or alignment;
- E. Any change in the status of taxiways or holding areas affecting the location or extent of any 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 the 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 how the lands or air rights negatively affected shall be acquired, if necessary.
- F. A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of seventy-five (75) feet from the surface of said lands by the change in airport hazard zones.
- G. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

804.3 Engineering Review

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

804.4 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 new 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, in addition to all other applicable standards, 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 Animal Husbandry and Crop Production

806.1 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.

806.2 Animal Husbandry, Commercial

- A. Minimum Parcel Size - The minimum parcel size for animal husbandry shall be ten (10) acres plus the minimum required lot area required for the District if a dwelling is located on the parcel.
- B. Setbacks - Any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall not be less than fifty (50) feet from any property line or road right-of-way.
- C. Manure Odors - Because the Township is a rural/agricultural area with farms, the spreading of manure as part

of an ongoing agricultural operation and not associated with a concentrated animal feeding operation shall not be considered an offensive odor and shall be exempt from §701.10.

806.3 Animal Husbandry, Home Use (See §807.2 for private horse stables.)

The keeping of animals such as cows, steers, goats, sheep, swine, fowl, rabbits and other similar domesticated animals shall be permitted as an accessory use to a single-family residence in any District with an accessory use permit in accord with the following criteria:

A. Cows or Steers, Swine, Goats or Sheep or Similar Animals, or Small Furbearing Animals

1. A minimum parcel of two (2) acres shall be required.
2. Not more than the following number of animals shall be kept on the minimum two (2) acre parcel.
 - a. Cows or steers - two (2), or
 - b. Swine - two (2), or
 - c. Goats or sheep - four (4), or
 - d. Small furbearing animals - fifty (50)
3. The following number of animals may be kept for each additional full acre of land:
 - a. Cows or steers - one (1)
 - b. Swine - one (1)
 - c. Goats or sheep - two (2)
 - d. Small furbearing animals - twenty-five (25)
4. No stable building, pen, feed lot, corral, or other area where animals are concentrated shall be located less than two hundred (200) feet from any existing residential dwelling or R, MR or VB District. No swine shall, in any case or manner, be kept less than two-hundred (200) feet from any adjoining property line and one-hundred fifty (150) feet from any public or private road.

B. Fowl, Rabbits or Similar Small Animals

1. A minimum parcel of one-half (0.5) acre shall be required.
2. Not more than ten (10) total animals shall be kept on the minimum one-half (0.5) acre parcel with an additional ten (10) animals for each additional full one-half (0.5) acre.
3. Setback - Pens or other area where thirty (30) or less animals are concentrated shall comply with the setbacks for principal structures and all others shall be located not less than two hundred (200) feet from any existing residential dwelling or R, MR or VB District.
4. Fowl, rabbits or similar small animals may be kept in addition to the animals in §806.3A at the rate in this §806.3A

C. Grazing - All animals shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five (5) feet from the property line or public or private road.

F. Nuisances - Nothing herein shall be construed to allow the continuance of any nuisance or threat to health,

safety and welfare that might be created by keeping of animals regardless of conformity with these regulations. Nuisances, as defined by the Second Class Township Code, including, but not limited to noise, odors and drainage problems, are hereby prohibited and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies.

H. Commercial Operations - The keeping of animals or fowl for any commercial purpose shall be defined as *animal husbandry, commercial* and shall meet the requirements of §806.2.

806.4 Crop Production

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

807 Animals, Keeping of

TABLE 807 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES				
Type of Use	Minimum Lot Size (acres)	Land Requirements for Additional Horses*	Property Line Setback (ft)	Road** Setback (ft)
Animal Shelters and Kennels	3	not applicable	200	100
Private Stables in all Districts	2	1 acre per horse	50	50
Commercial Stables / Horses for Hire	5	1 acre per horse	200	100
*In addition to the initial minimum lot size. **Applies to any public or private road right-of-way.				

807.1 Animal Shelters and Kennels

- A. Parcel Size - A minimum parcel of three (3) acres shall be required.
- B. Setbacks - Any structure, outdoor kennels, or animal exercise areas used for the keeping of animals shall meet the setbacks on Table 807.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each nonresident employee and one (1) space per four (4) animals 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 §807.1B until disposed of and proof of such disposal shall be provided to the Township upon request.

- G. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §807.1B 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.

807.2 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 - One (1) horse may be kept on the initial two (2) acres plus one (1) additional horse for each additional full acre .
- C. Building Size - The building used to house a horse 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. All such fences shall maintain a setback of not less than five (5) feet from all property lines.
- E. Parking - Adequate off-street parking and loading areas 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 807.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, where the structure does not meet the required setbacks on Table 806, 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 807.
 3. Boarding of horses.

807.3 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 five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other 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. All such fences shall maintain a setback of not less than five (5) feet from all property lines.
- 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 807.
- 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 807.
 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.

807.4 Zoos, Menageries, and Wild and Exotic Animals

No individual other than a registered veterinarian in the course of his/her professional duties, or a licensed falconer who keeps and maintains only his/her own birds, is permitted to maintain, keep or possess within the Township any wild or exotic animal except in an approved menagerie or zoo. Menageries and zoos shall comply with the following requirements:

- A. A minimum parcel size of five (5) acres shall be required.
- B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.

- D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of neighbors.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from the premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations
- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within one hundred twenty-five (125) feet of any adjoining property line and one hundred (100) feet from any public or private road right-of-way.
- J. The applicant shall provide for adequate disposal of all any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

808 Archery Ranges -- Outdoor Commercial

This §808 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.

808.1 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 §808. This shall not apply to structures on the same parcel as the shooting range.

808.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting and stray arrows and prevent any projectile from leaving the site. The Township may require such additional safety features deemed necessary to meet the intent of this §808. Such features may include, but shall not be limited to, increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

808.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701.6 unless more restrictive standards are required by the Township as a condition of approval.

808.4 Hours of Operation

No arrow shall be discharged outdoors between the hours of dusk and dawn. However, the Township may establish more restrictive time limits as a condition of approval.

808.5 Fence

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

808.6 Posting

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

808.7 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.

809 - 810 Reserved**811 Bed and Breakfast Establishments****811.1 Parking**

Adequate off-street parking shall be 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 nonresident employee, and two (2) spaces for the dwelling unit.

811.2 Number of Rooms

Not more than five (5) rentable rooms shall be provided in the establishment.

811.3 Supervision

The owner or manager of the bed and breakfast shall reside on the premises.

811.4 Sewage Disposal

Sewage disposal meeting the requirements of the Township and PA DEP shall be provided.

811.5 Nonconforming Lots

Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

812 Reserved**813 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 §813 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.

813.1 Parcel Size

Bulk fuel storage facilities shall be located on a tract of land not less than five (5) acres in area.

813.2 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.

809.3 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.

813.4 Other Regulations

Bulk fuel storage facilities shall be developed in complete compliance with all applicable Local, state, federal and insurance regulations and requirements.

814 Reserved

815 Camps/Retreats

Camps/retreats shall be designed in accord with the general, four-step and conservation open space design standards in §601, §602 and §603, respectively, of the Township Subdivision and Land Development Ordinance and shall comply with the following:

815.1 Parcel Size

The minimum parcel size shall be ten (10) acres.

815.2 Density

The maximum number camp/retreat lodging units, including any owner/operator and caretaker units, shall not exceed one (1) unit per one and one-half (1.5) acres of adjusted tract area calculated per §601.6D.

815.3 Occupancy

Camp/retreat lodging units shall be used only for temporary or seasonal occupancy and in no case serve as a full time residence. However, one (1) dwelling unit may be provided for a permanent residence for the owner/operator of the facility and one (1) dwelling unit may be provided for a permanent residence for a caretaker.

815.4 Subdivision of Lots

All camp/retreat lodging units and any owner/operator or caretaker dwelling unit shall be located on the overall camp/retreat parcel. The subdivision or any lease constituting a subdivision of any lot or area containing any lodging or dwelling unit associated with the facility shall be subject to the Subdivision and Land Development Ordinance and all other applicable regulations.

815.5 Camp/Retreat Lodging Units

- A. Each camp/retreat lodging unit shall form a single, habitable unit with facilities used for temporary living, sleeping, cooking and eating by one (1) family or group constructed in accord with PA UCC requirements.
- B. Camp/retreat lodging units may be located in single-unit detached or multi-unit structures.

815.5 Recreational Vehicles

The use of recreational vehicles as camp/retreat lodging units shall not be permitted.

815.6 Setbacks and Building Separation

- A. No lodging or dwelling unit or accessory building or structure shall be less than two hundred (200) feet from any public road and not less than one hundred (100) feet from an adjoining property line.
- B. The following standards shall apply:
 1. Building spacing:
 - a. between lodging and/or dwelling units: not less than thirty (30) feet

b. between accessory structures and lodging and/or dwelling units and other accessory structures: not less than twelve (12) feet

2. Setback of all buildings and accessory structures from internal roads: not less than thirty-five (35) feet.

815.7 Facilities.

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

815.8 Land Development Plan.

- A. A land development plan meeting the requirements of the Subdivision and Land Development Ordinance shall be required.
- B. The plan shall show the area where all existing dwelling units and structures are located and the area where additional lodging and dwelling units are proposed.
- C. The number of lodging and dwelling units proposed for the identified area shall be specified, but need not be specifically located on the land development plan.
- D. The plan shall include all proposed access roads, stormwater facilities, sewage disposal and other improvements required to service the proposed units.
- E. The specific location of each unit shall be identified at the time of application for zoning and building permits.

815.6 Internal Roads

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

816 Reserved

817 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.

817.1 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.

817.2 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 those Districts as specified in the Schedule of Uses and shall require conditional use approval in accord with this §817.
- 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.

817.3 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 §817.3D 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 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 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 plus the normal setback for the district.
- 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; Guy Wires
1. A fence shall be required around the CCD support structure, guy wire anchors and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet and a maximum of ten (10) feet in height.
 2. All guy wires shall be marked or colored to be clearly visible and shall not be artificially illuminated unless required by the FAA or FCC.
- 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 collocated facilities. The Applicant shall provide a letter of intent committing the CCD owner and his or her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. 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. Maintenance; Discontinued Use
1. The CCD, support structure and any accessory structure shall be maintained and kept in a state of repair so that the same do not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.
 2. 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 hundred eighty (180) days cessation of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. A copy of the relevant portions of any signed lease, licence or other agreement or conveyance which requires the applicant to remove the facilities upon cessation of operation's at the site shall be submitted at the time of application. 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. Application - As part of the conditional use application the applicant shall also submit the following supplemental information:

1. A copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1).
2. Proof of compliance with applicable FCC, FAA, Commonwealth Bureau of Aviation and any applicable airport zoning regulation.
3. Proof that the proposed CCD does not interfere with public safety telecommunications as verified by an intermodulation study and other appropriate study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
4. A plot drawn to scale showing property boundaries, power locations, CCD height, guy wires and anchors, existing structures, elevation drawings and depicting typical design of proposed structures, parking, fencing, landscaping, and existing uses on adjacent property.
5. Name and address of the owners of the CCD and all equipment to be located at the site.
6. Copy of the valid FCC license for the proposed activity or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
7. A written agreement signed by the applicant and owner of the property to remove the CCD within one hundred eighty (180) days of cessation of use, which written agreement, including financial guaranties, shall be in a form acceptable to the Township.
8. Written certification from the applicant and its engineer that the proposed CCD could not be placed on an existing CCD or facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.
9. A letter of intent committing the CCD owner and the common carriers using the CCD and their respective heirs, personal representatives, successors, and assigns to allow the Township and any other governmental agency to utilize the CCD to facilitate emergency equipment upon reasonable terms and conditions and to allow use of the CCD in the event of an emergency.
10. Any and all permits and/or approvals required from any and all local state and federal authorities must be obtained by the applicant and copies of same provided to the Township.

818 Reserved

819 Concentrated Animal Feeding Operations

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

819.1 Compliance

Concentrated animal feeding operations shall, in addition to all other applicable requirements, comply with this §819.

819.2 Definition

Any livestock operation which is defined as a concentrated animal feeding operation by Commonwealth of Pennsylvania regulations shall be considered a concentrated animal feeding operation for regulation by this Ordinance.

819.3 Standards

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

- A. Setbacks - CAFO buildings and corrals used for housing or confinement of animals shall not be less than two hundred fifty (250) feet from any property line and not less than five hundred (500) feet from any existing principal building not located on the land with the CAFO.
- B. Nutrient Management - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- C. Stormwater Management - A stormwater management plan shall be prepared meeting the requirements of the applicable Subdivision and Land Development Ordinance.
- D. Conservation - A conservation plan shall be prepared meeting the requirements of the Wayne Conservation District.
- E. Buffer - A buffer plan shall be prepared in accord with §701.1 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property
- F. Solid and Liquid Wastes - Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared
- G. Operation and Management - The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity
- H. Waste Discharge - No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.
- I. Odor - The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare. (See also §701.10.)
- J. Pesticides - The applicant shall document that the use of pesticides will meet state and federal requirements.
- K. Floodplain - No CAFO buildings shall be erected in the one hundred-year floodplain
- L. Other Requirements - See also §701.6 (Noise), §701.21 which requires proof of compliance with state and

federal regulations, §703 (Environmental Impact Statement) and §708 (Transportation Impact Statement).

820 Reserved

821 Contractor Yards and Staging Areas for Equipment/Materials

The intent of this §821 is to provide standards for access to public roads and setbacks for contractor yards and storage yards for forest products and minerals.

821.1 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. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township road bonding requirements.

821.2 Setbacks

- A. Residential and Nonresidential Buildings - Contractor yards and staging areas for equipment/materials shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.
- B. Property Lines - Contractor yards and staging areas for equipment/materials 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 - Contractor yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Contractor yards and staging areas for equipment/materials shall not be less than one hundred (100) feet from any stream, water body or wetland.
- F. Slope - Contractor yards and staging areas for equipment/materials shall be located on slopes of less than eight (8) percent. Low spots and poorly drained places shall be avoided.

822 Reserved

823 Correctional Facilities

The requirements of this §823 shall apply to correctional facilities.

823.1 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of five (5) acres.

823.2 Site Design Standards

The site shall be improved in accordance with the following minimum requirements:

- A. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 1. residence
 2. group care facility
 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 4. public or semi-public building
 5. public park or public recreation facility
 6. health facility
 7. House of worship or related use, or other similar religious facility
 8. public or private school
- B. A perimeter security fence, of a height and type determined by the Township, may be required.

823.3 Security

All applications for institutions shall include a plan addressing security needs to protect the health and safety of the public as well as residents of the proposed facility. Such plan shall include a description of the specific services to be offered, types of residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required 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.

823.4 Accessory Uses and Ancillary Activities

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

824 Reserved

825 Distribution Centers/Truck Terminals

The requirements in this §825 shall apply to distribution centers/truck terminals.

825.1 Lot Size and Width

A minimum size lot of three (3) acres shall be required with a minimum width of two hundred fifty (250) feet.

825.2 Setbacks

All activities including storage or parking of vehicles and materials shall be set back from public roads and all lot lines a minimum of fifty (50) feet.

825.3 Access

The site shall have direct access to a public arterial or collector road.

826 Reserved

827 Explosives and Fireworks Plants or Storage Facilities

Explosives plants or storage facilities and fireworks plants or storage facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards, the following shall apply.

827.1 Setbacks

Setbacks for the facilities shall comply with state and federal regulations. Ancillary facilities such as offices, employee parking, truck parking and loading and accessory structures and uses shall comply with the buffer requirements in §827.2.

827.2 Buffer

- A. **Buffer Required** - An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. **Buffer in Setback Area** - Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
- C. **Buffer Design** - Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- D. **Maintenance** - It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

827.3 Parking and Staging Areas

Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

827.4 Local, State and Federal Regulations

The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

827.5 Informational Requirements

- A. **Application Information** - The applicant and/or operator for all facilities shall provide the information required by this §827.5, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance.
- B. **Hazardous Materials Inventory** - An inventory of hazardous materials, a drawn-to-scale site plan of their locations, and a brief explanation of the hazards involved, are submitted for use by public safety officials.
- C. **DEP Application Information** - A copy of all applications and information required by the applicable Pennsylvania

Department of Environmental Protection (DEP) Rules and Regulations.

- D. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval.

827.6 Reporting Requirements

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

828 Reserved

829 Flea Markets, Outdoor

Flea markets, outdoor shall, in addition to all other applicable standards shall be subject to the following standards.

829.1 Parcel Size

A minimum parcel of two (2) acres shall be required.

829.2 Setbacks

The minimum setbacks for all buildings, any display of goods not fully enclosed in a building and all parking areas shall be seventy-five (75) feet from property lines and road rights-of-way

829.3 Parking

Parking shall comply with §504 and sales or display areas or other activities not required by the parking standards shall not be permitted in parking areas.

830 Reserved

831 Gaming Establishments

831.1 Separation

A gaming establishment shall not be permitted within one thousand (1,000) feet of any other separately deeded lot containing a gaming establishment. The distance between any two (2) such facilities shall be measured in a straight line, without regard to intervening structures, from the closest points on each of the exterior lot lines of the separately deeded lots upon which each facility is located.

831.2 Setbacks

No gaming establishment shall be located on the same separately deeded lot or within three hundred (300) feet of any R or MR District boundary line, any public park or public recreation facility or any separately deeded lot which contains any one (1) or more of the following uses. The distance between any such facility and any listed use shall be measured in a straight line, without regard to intervening structures, from the closest point of any building or parking area associated with the proposed facility to any structure containing any:

- A. residence
- B. group care facility
- C. facility catering primarily to persons under 18 years of age
- D. public or semi-public building or use
- E. health facility
- F. any establishment that sells alcoholic beverages

831.3 One Facility per Building

No more than one (1) gaming establishment may be located within one (1) building or be located on the same separately deeded lot.

831.4 Nuisances

The applicant shall furnish evidence satisfactory to the Township as to how the use will be controlled so as to not constitute a nuisance, particularly concerning noise, loitering outside the building, hours of operation, light, and/or litter.

831.5 Litter

A working plan for the cleanup of litter shall be furnished and implemented by the applicant, subject to the approval by the Township.

832 Reserved**833 Hotels, Motels and Resorts**

This §833 is intended to provide specific standards for the development of hotels, motels and resorts at unit densities that allow 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.

833.1 Minimum Parcel Size

The minimum lot size required for these uses shall be two thousand (2000) square feet of lot area for each single room with bath and no kitchen facilities and five thousand (5000) square feet of lot area for each apartment or unit with kitchen facilities. However, in no case shall the parcel be less than two (2) acres.

833.2 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 resort 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.

834 Reserved**835 Industrial Wastewater Treatment Facilities and Water Withdrawal Facilities**

Industrial wastewater treatment facilities and water withdrawal facilities (referred to as *facilities*) shall comply with this §835.

835.1 Setbacks

The following setbacks shall be maintained for the facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements in §835.2.

- A. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.

- B. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
- C. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.

835.2 Buffer

- A. An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
- C. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance .
- D. It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

835.3 Parking and Staging Areas

Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

835.4 Local, State and Federal Regulations

The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

835.6 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §835.6, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance.
- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations.
- C. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions.

835.7 Reporting Requirements

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

document or report.

836 Reserved

837 Junk Yards

Junk yards junk yards shall, in addition to other Township ordinances and all other applicable regulations, be subject to the following conditions:

837.1 Property Owner Responsibility

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

837.3 Operating Standards

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

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than ten (10) feet in height. All gates shall be closed and locked when closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - All junk yards shall be screened, to the satisfaction of the Township, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than fifty (50) feet from any public road right-of-way, fifty (50) feet to any property line and two hundred (200) feet from any R, MR or VB District.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Township deems it necessary to meet the intent of this Ordinance, and to further protect ground water and

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

- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Township deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with DEP requirements.
- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than ten (10) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

838 - 841 Reserved

842 Mineral Extraction

In addition to other applicable standards, this §842 shall apply to mineral extraction and oil and gas well operations.

842.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code Section 603(l) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

842.2 Intent and Exemption

- A. Intent - The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare.
- B. Oil and Gas Wells; Horizontal Capture of Natural Gas - Oil and gas wells shall comply with this §842 and the other applicable requirements. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

842.3 Use Classification; Mineral Extraction, Minor; Mineral Processing a Separate Use

- A. Use Classification - Mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. Mineral Extraction, Minor - The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations.
 - 1. Extent of Operation - Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*.
 - 2. Duration - The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit.
 - 3. Subdivision - The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted.
 - 4. Plan Exemption - Mineral extraction, minor uses shall be exempt from the reporting requirements of §842.7; however, said operations shall comply with the other standards of this §842.
 - 5. Oil and Gas Wells - No oil or gas well shall be considered mineral extraction, minor.
- C. Mineral Processing (See also §842.)

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

842.4 Standards

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

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

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

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

C. Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.

D. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
2. Buffers shall be designed in accord with §701.1 and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Township Subdivision and Land Development Ordinance.
3. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

E. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

F. Access Road

1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten (10) percent.
 2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least two hundred (200) feet from a point on the access road to its intersection with all public and private roads.
- G. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of one hundred (100) feet of Number 3 Penn Dot approved stone having a depth of not less than six (6) inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.
- H. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.
- I. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.
- J. 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, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

842.5 Local, State and Federal Regulations

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

842.6 Informational Requirements

The applicant shall provide:

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

842.7 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.

842.8 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 §842.

842.9 Additional Requirements for Oil and Gas Wells

A. Plot Plan - In addition to the information required by §1202.3, the plot plan shall show:

1. The proposed location of the well or wells.
2. The proposed means of access to the well or wells.
3. The proposed gathering or transmission lines.
4. The distance from any existing structures on the subject property or the immediately adjacent properties.
5. The location of local water supply wells or systems within two-thousand five hundred (2,500) feet of the well pad.
6. Contours, existing and proposed, drawn at two-foot vertical intervals.
7. The location of site, streams, wetlands, and flood plains within five hundred (500) feet of the well location and other uses regulated by the PA Oil and Gas Act.

B. Information - The applicant shall provide:

1. Logs or other documentation showing the estimated deepest fresh groundwater.
2. The estimated depths of the proposed wells and the expected surface pressure.
3. A statement whether a pre-alteration or pre-drilling survey is to be conducted.
4. A proposed schedule indicating the following anticipated dates:
 - a. Beginning and end of:
 - 1) site preparation.
 - 2) drilling activity.
 - 3) completion (perforating) work.
 - 4) stimulation (fracturing) work.
 - 5) production work.
 - b. Plugging date.

C. Emergency Response Plan - The applicant shall submit an emergency response plan to the Township, the local

fire companies and the Wayne County Emergency Management Agency, providing, at a minimum:

1. The recommended first response by fire companies and other first responders to address:
 - a. Well leakage.
 - b. Spill containment.
 - c. Vandalism creating unknown conditions.
 - d. Defective casing or cementing.
 - f. Potential communication between the well and the groundwater supply.
 2. A copy of the control and disposal plan for any expected fluids or solids encountered during the drilling and production stages indicating the following:
 - a. The size and location of a storage pit for any material emanating from the well during drilling and site restoration;
 - b. The size and location of any tankage designed for the site and dikes for spill containment of said tank during well production.
 - c. Methods of oil separation and removal of all solids or liquid byproducts, including oil, from the site during production, if applicable
 3. Emergency contact information.
 4. A proposed response plan containing a National Incident Management System (NIMS) compliant emergency management protocol.
 5. An emergency traffic control plan.
 6. Documentation that a physical 911 address has been assigned to the property by Wayne County.
- D. Setback - Any disturbed area associated with an oil or gas well shall be located at least three hundred (300) feet from any dwelling or other inhabited structure.
- E. Site Maintenance and Fencing - The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of fifteen (15) feet in all directions and shall be enclosed by a chain link fence not less than six (6) feet in height topped with a double outward strand of barbed wire.
- F. Transmission Lines - The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission line within one thousand (1,000) feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.

843 Mineral Processing and Mineral Depots

In addition to the performance standards in §701 and all other applicable standards, the requirements of this §843 shall apply to mineral processing and mineral depots.

843.1 Standards

- A. Setbacks - The following setbacks shall be maintained for any building, processing operation, unloading/loading area, or processing equipment or mineral storage area:
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-five (25) feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the 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.
- D. Access Road
1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten (10) percent.
 2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least two hundred (200) feet from a point on the access road to its intersection with all public and private roads.
- E. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of one hundred (100) feet of Number 3 Penn Dot approved stone having a depth of not less than six (6) inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.
- F. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry

agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.

- G. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.
- H. Conditions of Approval - If the Township determines that the standards in §701 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. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

843.2 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.

843.3 Informational Requirements

The applicant shall provide the information required by this §843.3 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. The Applicant shall provide the following:

- A. Application Information - The information required by this §843, §1202.3C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

843.4 Reporting Requirements

For any 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.

844 - 846 Reserved

847 Pipeline Compressor Stations, Metering Stations or Operation/Maintenance Facilities

Pipeline compressor stations, metering stations or operation/maintenance facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards, the requirements of this §847 shall apply.

847.1 Standards

The facilities shall comply with the following requirements:

- A. Building; Noise - All compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §701.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise

that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.

B. Setbacks and Buffers

1. Facilities - The following setbacks and buffers shall be applied to any facilities used to compress, decompress, process, heat, alter or transform the pipeline product:

a. Setbacks - The following setbacks shall be maintained:

- (1) Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
- (2) Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.
- (3) Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

b. Buffer

- (1) An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
- (3) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- (4) It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

2. Other Components - 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 shall not be less than twenty-five (25) feet from any adjoining property line not subject to the right-of-way.

C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

847.2 Local, State and Federal Regulations

All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

847.3 Informational Requirements

The applicant shall provide the information required by this §847.3 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. The Applicant shall provide the following:

- A. Application Information - The information required by this §847, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.

847.4 Reporting Requirements

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

848 Power Plants

Power plants shall comply with this §848.

848.1 Purposes

- A. To accommodate the need for power plants 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 through engineering and proper siting of such structures.

848.2 Standards

- A. Building; Noise - All turbines, compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §701.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.
- B. Setbacks and Buffers
 - 1. Facilities - The following setbacks and buffers shall be applied to any facilities used as part of the electricity generation process:
 - a. Setbacks - The following setbacks shall be maintained:

- (1) Property Lines, Road Rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
- (2) Other Uses - Three hundred (300) feet of any R or MR District boundary line, any public park or public recreation facility or any separately deeded lot which contains any one (1) or more of the following uses. The distance between any such facility and any listed use shall be measured in a straight line, without regard to intervening structures, from any improvements associated with the proposed facility to any structure containing any:
 - (a) residence
 - (b) group care facility
 - (c) facility catering primarily to persons under 18 years of age
 - (d) public or semi-public building or use
 - (e) health facility
 - (f) any establishment that sells alcoholic beverages
 - (g) gaming establishment

b. Buffer

- (1) An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
- (3) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- (4) It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

2. Other Components - Pipelines and valves, metering stations, pig launchers/receivers, and other components which are located on the site shall not be less than twenty-five (25) feet from any adjoining property line.

- C. Fencing - A fence may be required around the perimeter of the power plant site unless the design of the structures adequately provides for safety.
- D. Access; Required Parking - Access to the power plant shall be provided by means of a public street or easement to a public street adequate to serve the number and type of vehicles anticipated. The access and parking shall be improved with a dust-free, all weather surface. The number of required parking spaces shall equal the number of people on the largest shift.

- E. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.
- F. 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 power plant developer.
- G. Historic Structures - A power plant shall not be located within five-hundred (500) feet of any structure listed on any public historic register.

848.3 Site Plan

A full land development plan shall be required for all power plant sites, showing all power plant facilities, fencing, buffering, access, and all other items required for conditional uses by this Ordinance and by the Subdivision and Land Development Ordinance.

848.4 Local, State and Federal Regulations

All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

848.5 Insurance

The applicant shall provide 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 power plant.

848.6 Informational Requirements

The applicant shall provide the information required by this §848.6 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval. The Applicant shall provide the following:

- A. Application Information - The information required by this §848, 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, an Environmental Impact Statement, and a Traffic Impact Study.
- C. State and Federal Application Information - A copy of all applications and information required by the applicable state and federal agencies.
- D. Emergency Response - The Applicant shall submit the name, address and emergency telephone number for the operator of the power plant; and shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township and the County Emergency Management Agency.

848.7 Reporting Requirements

For any facility approved by the Township, the operator shall submit to the Township copies of all state or federal required or issued documents and reports associated with the operation, within fifteen (15) days of the date of the

document or report.

849 **Reserved**

850 **Race Tracks**

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

850.1 **Setbacks**

All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than three hundred (300) feet from any property line or public road right-of-way, and shall not be less than two thousand (2,000) feet from any R or MR District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.

850.2 **Animal Race Tracks**

In addition to the other standards in this §850, the following additional standards shall apply to animal race tracks:

- A. The race course for any animal race track shall not be less than three hundred (300) 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.
- B. 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.
- C. 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.

850.3 **Buildings**

All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.

850.4 **Time Limitations**

No motor vehicle race shall be conducted between the hours of 10:00 P.M. and 9:00 A.M. However, the Township may establish more restrictive time limits as a condition of approval.

850.5 **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.

850.6 **Tire and Part Storage**

All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening, but in no case shall such outdoor storage exceed five hundred (500) square feet in area.

850.7 **Storage**

No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.

850.8 Fuel Documentation

Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.

850.9 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.

850.10 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:

- A. Design standards of all safety fencing/barriers.
- B. Procedures for fuel storage, handling and dispensing.
- C. Emergency services, including fire and ambulance, which will be available during events.
- D. Disaster/emergency response procedures.
- E. Crowd management.

850.11 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.

851 - 853 Reserved**854 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 .

854.1 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.

854.2 Setback Areas

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

854.3 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.

854.3 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.

854.4 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.

854.5 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.

854.6 Fire - Water Damage

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

854.7 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 §854 are or will be satisfied.

855 - 856 Reserved**857 Shooting Ranges, Outdoor Commercial**

This §857 is intended to provide minimum standards to regulate commercial outdoor shooting ranges(hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances.

857.1 Setbacks

All outdoor shooting ranges shall be situated not less than three hundred (300) feet from any property line and not less than one thousand five hundred (1,500) feet from any principal residential or principal nonresidential building existing on the effective date of this §857. This shall not apply to structures on the same parcel as the shooting range.

857.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §857. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

857.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701.6 unless more restrictive standards are required by the Township as a condition of approval.

857.4 Hours of Operation

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

857.5 Fence

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

857.6 Posting

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

857.8 NRA Guidelines; State and Federal

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

858 Shopping Centers, Malls, and Multiple Occupant Commercial Buildings

It is the intent of this §858 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial buildings, (referred to as *multiple occupant commercial buildings*) 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;

858.1 Conditional Use and Land Development

Any proposed multiple occupant commercial building shall be considered a conditional use, and in addition to the other applicable requirements, shall be subject to the requirements of this §858.

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;

858.2 Ownership

The site proposed for any multiple occupant commercial building 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.

859 Reserved

860 Slaughterhouses

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

860.1 Parcel Size

A minimum parcel of two (2) acres shall be required.

860.2 Setbacks

- A. Buildings - The minimum setbacks for all buildings shall be 100 feet from property lines and road rights-of-way.
- B. Animals - Structures which are not fully enclosed, corrals and other areas for the outdoor confinement of animals shall comply with the following setbacks unless state or federal regulations require a greater setback:
 - 1. Up to 499 animals: 100 feet.
 - 2. 500 to 999 animals: 200 feet.
 - 3. 1,000 or more animals: 300 feet.

860.3 Animal Confinement

All animals shall be confined to the slaughterhouse property at all time by fences or other structures

860.4 Wastes

Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.

860.5 Operating Standards

The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.

860.6 Odor (See also §701.10.)

The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.

860.7 Other Requirements

See also §701.3 (Operations and Storage) which requires all operations to be in a building, §701.6 (Noise), §701.21 which requires proof of compliance with state and federal regulations, §703 (Environmental Impact Statement) and §708 (Transportation Impact Study).

861 Reserved**862 Solar Power Generation, Commercial****862.1 Purposes**

The purpose of this §862 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.

862.2 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.

862.3 Standards and Design

A. Location; Setbacks; Lot Coverage

1. The parcel shall not be more than three (3) miles from a utility substation with the capacity to service the proposed facility.
2. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet from property lines.
3. 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 chainlink fence not less than six (6) feet in height shall be installed around the perimeter of the facilities to restrict access.

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 road 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.

862.4 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.

862.5 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, 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.

863 Reserved

864 Solid Waste

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §864.

864.1 Traffic Study

The applicant shall provide a traffic study in accord with §708.

864.2 Setbacks

No part of any facility created after the effective date shall be located closer than three hundred (300) feet to an existing public right-of-way, property line or stream. The setback areas shall remain unoccupied with no

improvements except required fencing and access road(s). A buffer not less than fifty (50) feet in width shall be provided in all setbacks in accord with §701. Additional buffers and setbacks may be required in accord with this Ordinance.

864.3 Fencing

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

864.4 Reserved

864.5 Storage and Loading/Unloading

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

864.6 Effluent Treatment

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

864.7 Dangerous Materials

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

864.8 Water Quality

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

864.9 Emergency Access

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

864.10 Hours of Operation

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

864.11 Nuisances

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

864.12 Attendant and Inspections

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

864.13 State and Federal Regulations and Reporting

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §864 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

865 Reserved**866 Staging Areas for Equipment/Materials - See §821.****867 Reserved****868 Storage Yards for Forest Products and Minerals**

The intent of this §868 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 minerals* in Article III.)

868.1 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.

868.2 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 slopes less than eight (8) percent. Low spots and poorly drained places shall be avoided.

869 Reserved

870 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, shall comply with the standards in this §870.

870.1 Setback

The water surface shall be not less than fifty (50) feet from any lot line.

870.2 Parcel Size

The minimum lot area shall be two (2) acres.

870.3 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.

870.4 Access

Access to all pools shall be restricted when the pool is not in use.

870.5 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.

871 - 874 Reserved

875 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 §875.

875.1 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 R or MR District shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

875.2 Vehicle or Equipment Repair Operations

All 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. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- 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 thirty (30) days of normal operation.
- E. Gasoline pumps and other service appliances may be located in the required front setback, but shall not be situated closer to the road or street right-of-way line than thirty (30) feet or the PennDOT requirement, whichever is greater. 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 R or MR 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.

875.3 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 §875.2.
- 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 junk yard 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.

876 Reserved

877 Water Withdrawal Facilities

See §835.

878 Reserved

879 Wind Energy Facilities

The provisions of this §879 shall apply to wind energy facilities.

879.1 Purposes

- A. To accommodate the need for wind energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

879.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind energy facility and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot,, etc., greater than 1,000 sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the zoning district in which the wind energy facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind energy facility.
- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property with an existing use subject to the following land development standards:
 - 1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - 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.

879.3 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
 - 1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
 - 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any 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.

3. 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 Energy Facility Support Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.
- 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 energy facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind energy facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- 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 energy facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind energy facility.
- G. Access; Required Parking - Access to the wind energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind energy facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall 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 energy facility developer.
- J. Historic Structures - A wind energy facility shall not be located within five-hundred (500) feet of any structure listed on any public historic register
- K. Discontinued Use - Should any wind energy facility or windmill cease to be used, the owner or operator or then owner of the land on which the wind energy facility or windmill is located, shall be required to remove the same

within one (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 energy facility sites, showing the wind energy facility, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.

879.4 Public Inquiries and Complaints

The facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

879.5 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. 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:

- A. 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.
- B. 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.
- C. 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.

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 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 or demolished in whole or part to the exact or less nonconforming condition which existed prior to the casualty or demolition.

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.

902.9 Nonconforming Use, Restoration

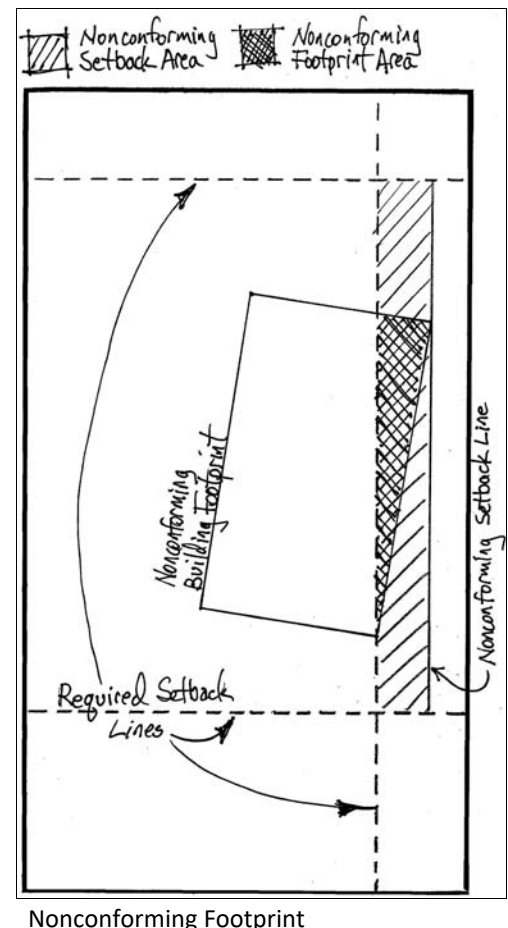
The reestablishment or re-initiation of a use damaged or destroyed by casualty or removed in whole or part to the exact or less nonconforming condition which existed prior to the casualty or removal.

902.10 Casualty

Damage which is caused by a sudden, unexpected or unusual occurrence such as a storm, flood, earthquake, fire, or explosion.

902.11 Nonconforming Setback Line

A line passing through the point of the nonconforming structure



nearest the adjoining property line and drawn parallel to the property line or various courses of the property line and the minimum required setback line for the district and bounded by the intersecting minimum required setback lines. (See Nonconforming Footprint Diagram.)

902.12 Nonconforming Setback Area

The area established by a line passing through the point of the nonconforming structure nearest the adjoining property line and drawn parallel to the property line or various courses of the property line and the minimum required setback line for the district and bounded by the intersecting minimum required setback lines. (See Nonconforming Footprint Diagram.)

902.13 Nonconforming Footprint Area

The area of a structure which lies within the nonconforming setback area and which violates the minimum required setback area. (See Nonconforming Footprint Diagram.)

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 §1208 and the review factors in §912.

- A. More Restrictive Classification - A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Zoning Hearing Board in accord with classification of the uses in the Schedule of Uses.
- B. General Standard - The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of 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 Exception

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 §1208 and the review factors in §912.

907.2 Extension onto Other Properties of Record in the Same Ownership

Extensions of a nonconforming use shall be limited to the same parcel of property on which the nonconforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance.

907.3 Extension Limitation

In the R District, a nonconforming use of a building or parcel shall be limited to a one-time, twenty-five (25) percent expansion, enlargement or extension into additional building or land area than existed at the effective date of this Ordinance. In all other districts there shall be no limit on an 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 or condemned it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a zoning and/or 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 §908.4.)

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 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 reestablishment of the nonconforming use. Said extension shall only be considered upon written application for same submitted by the property owner.

908.4 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 the most current requirements of this Ordinance.

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 twelve (12) consecutive 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 nonconforming 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 or Expansions**

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. **Limit** - A one-time alteration or expansion of a structure shall be permitted within the nonconforming setback area provided the nonconforming footprint area is not increased by more than fifty (50) percent for residential structures and fifty (50) percent for nonresidential structures. [Example - If the nonconforming footprint area before an expansion is 200 square feet, the total footprint of the building in the nonconforming setback area cannot exceed 300 square feet after the expansion: $200 \text{ sf} + (50\% \times 200 \text{ sf}) = 200 \text{ sf} + 100 \text{ sf} = 300 \text{ sf}$.]

- B. Height - The height of any such residential or nonresidential alteration or expansion within the nonconforming setback area shall not exceed the lesser of the existing height of the nonconforming structure or the applicable district maximum height.

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 where permitted by the Schedule of Uses provided:

- A. Setbacks - The required front setback for the district is maintained, side setbacks are maintained at a minimum of ten (10) feet each and the rear setback is maintained at a minimum of twenty (20) feet.
- B. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- C. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.
- D. Other Standards - All other applicable standards in this Ordinance are satisfied.

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. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.
- E. Other Standards - All other applicable standards in this Ordinance are satisfied.

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 Access - 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.
- E. Average Daily Traffic - The applicant shall show how the proposed change will affect Average Daily Traffic (ADT) pursuant to the standards set forth in the most current Trip Generation Manual published by the Institute of Transportation Engineers, or its successor. If ADT will increase the applicant shall document to the satisfaction of the Zoning Hearing Board how any community impacts will be addressed.

913 Survey

913.1 Required in All Cases

In the case of any proposed reconstruction or any proposed alteration or expansion of a nonconforming structure, the Applicant shall provide a survey prepared by a Professional Land Surveyor showing the position of the existing nonconforming structure with the entire proposed structure superimposed over the position of the existing nonconforming structure in addition to all other information required by this Ordinance.

913.2 Required by Township

A survey prepared by a Professional Land Surveyor may also be required by the Township in any case as necessary to determine compliance.

913.3 Survey Information

In addition to the information required in §913.1, the survey shall show all details required to determine compliance, including, but not limited to, existing and proposed improvements, existing and proposed building height, existing and proposed lot coverage, minimum required setback lines, nonconforming setback lines, nonconforming setback areas, and existing and proposed nonconforming footprint areas.

**ARTICLE X
OWNERSHIP AND MAINTENANCE OF
CONSERVATION OPEN SPACE, OPEN LAND, RECREATION LAND, AND COMMON FACILITIES**

Any development which involves the ownership and maintenance of conservation open space land, open land, recreation land, or common improvements or facilities as required by this Ordinance or the Township Subdivision and Land Development Ordinance shall provide for the ownership and maintenance of such land, facilities or improvements in accord with Article V of the Subdivision and Land Development Ordinance.

**ARTICLE XI
SIGNS**

1101 General

1101.1 Purpose

The Purpose of this Article 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 be caused by the faulty construction of signs;
- E. protect pedestrians and motorists from damage or injury caused by, 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 and Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Article. The effect of this Article as more specifically set forth herein is to:

- 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. (See §1111 for nonconforming signs.)

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 XI shall have the meanings set forth in this §1102. Words and phrases not defined in this §1102 but defined in Article III shall be given the meanings set forth in that Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article. The diagrams are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

A-Frame or Sandwich Board Sign: A movable sign consisting of two faces, connected and hinged at the top.

Abandoned Sign: See §1112.1.

Advertising Sign, Off-premises: A sign which conveys a commercial or noncommercial message unrelated to the activity conducted on the lot where the sign is located or a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered an off-premises advertising sign.



A-Frame / Sandwich

Animation: The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs.

Applicant: A person or entity who applies for a sign permit in accord with the provisions of this Article.

Area of Sign: See §1104.3B.

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.

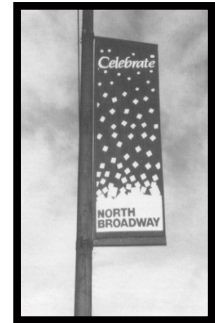


Awning Sign

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.



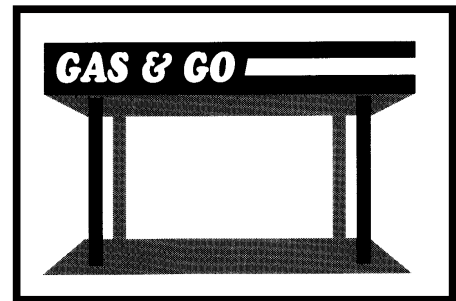
Civic Event Banner



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, 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.



Canopy Sign on Freestanding Canopy

Business Name: The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.



Changeable Panel Sign

Changeable Panel Sign: A sign designed to allow its informational content to be changed or altered.

Commercial Message: Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

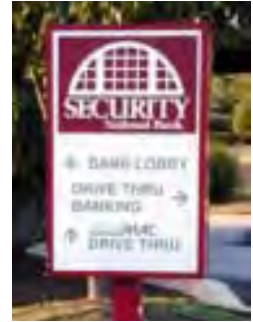
Contractor or Subcontractor Signs: The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.



Development Sign

Development Sign: A temporary sign used to identify an approved future development.

Directional Sign – 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.



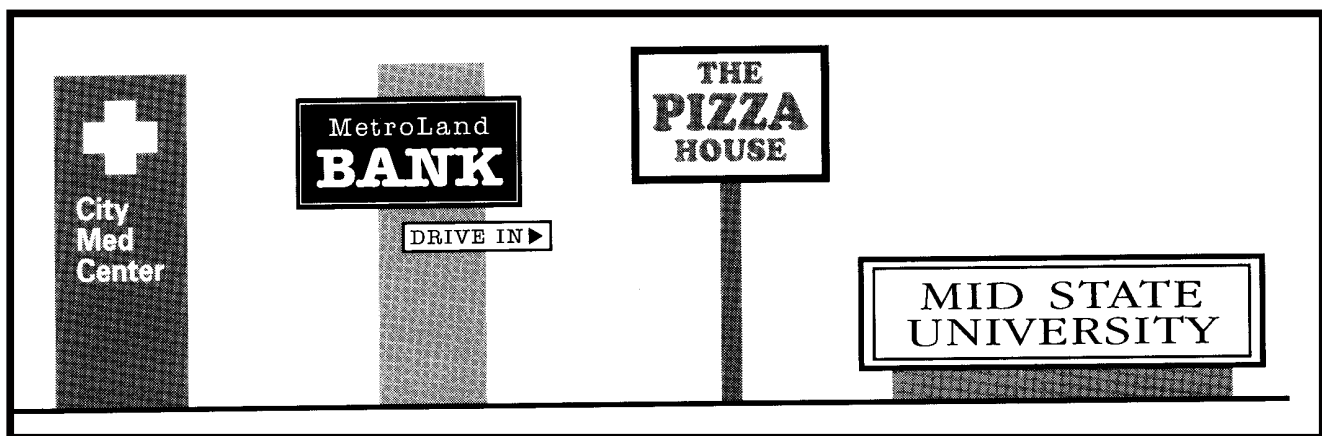
Directory Sign

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Facade: Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.



MONUMENT

PYLON

POLE

GROUND

Common Freestanding Sign Types

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 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 requirements 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.

LED: Light emitting diode.

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



Internal and External Illumination



Incidental Sign or Instructional Sign

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

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*.

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.

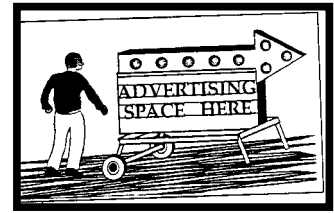
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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.

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.



Projecting Sign

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

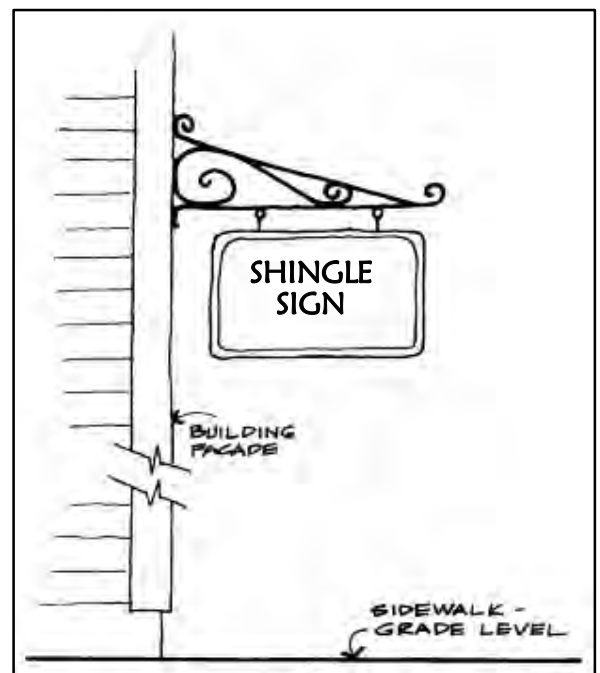
Right-of-Way: No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

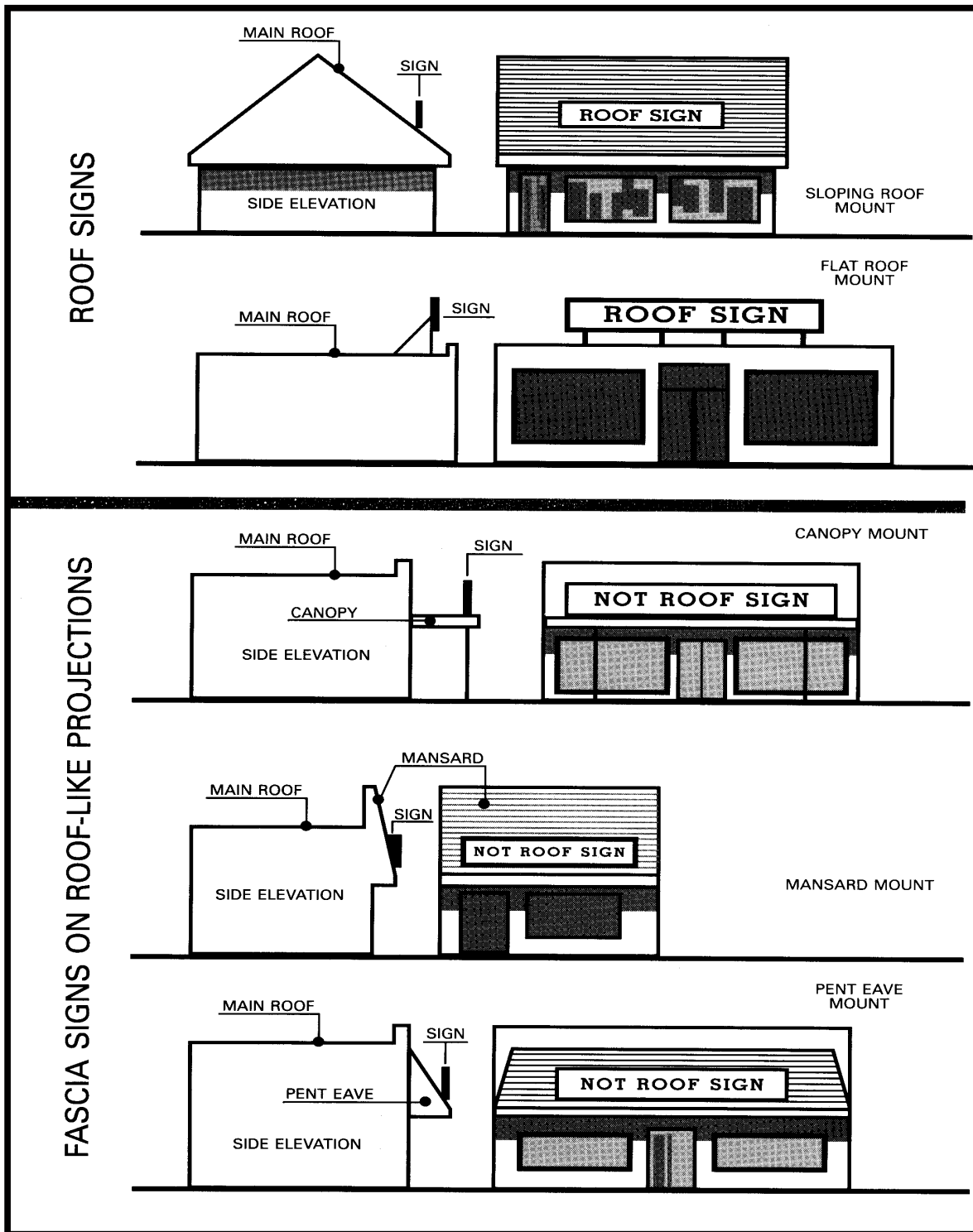
Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

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.

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, Wayne County, the Township, or official historic plaques of any governmental jurisdiction or agency.



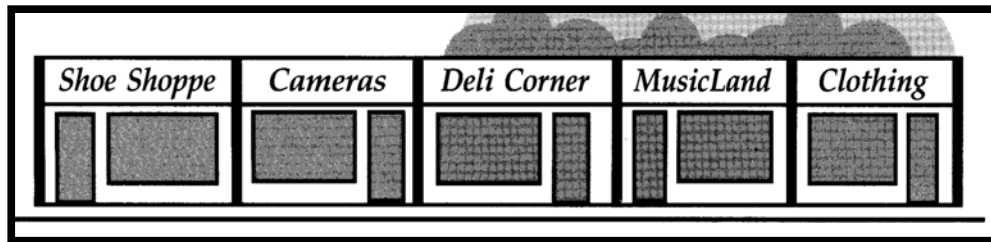


Comparison – Roof and Fascia Signs

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 Signs

Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



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 §1103.

- 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 and intensity of any illumination, the timing of any electronic message, 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 permits 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 in accord with §1108.8.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under §1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §1105.2.
- C. Large Balloons - Balloons of greater than twenty-five (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.
- 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, unless the sign is a shingle sign in compliance with §1108.7.
- 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. (See also §1104.2N.)
- 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 and other noncommercial signs on the property of the person posting the sign.
- 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 Ordinance.
- 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.
- O. Noise - Signs which emit sound as part of the advertising or which emit objectionable or excessive noise created by electric current or air movement shall not be permitted.

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 four (4) 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, 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 two (2) 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 Permanent Signs
1. Permanent Directional Signs - Permanent signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.
 2. Permanent Instructional Signs - Permanent 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 thirty-two (32) square feet of aggregate surface area with the sole intent of being legible within the athletic facility. Sponsors advertising on score boards may not exceed twenty-five (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. (See also §1104.1H.)
- 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 (2) 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 side of a sign, provided that only one (1) 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. Uniform Construction Code - All signs and other advertising structures shall comply with the requirements of the Uniform Construction Code.
- E. 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.
- F. Overhead Electrical Wiring - Overhead electrical wiring is prohibited and all electric signs shall be listed by a recognized testing laboratory.
- G. Public Right-Of-Way; Setbacks - No signs, other than official traffic signs, shall be erected or maintained in the public right-of-way. No freestanding sign shall be erected or maintained less than fifteen (15) feet to the edge of any public road right-of-way and not less than fifteen (15) feet from side and rear property lines.
- H. 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.
- I. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any building opening required for ventilation.
- J. 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.
- K. 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.
- L. 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.
- M. 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 Ordinance.
- N. 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.
- O. Clearance - Clearance beneath overhead signs shall be at least nine (9) feet, measured from the ground or pavement to the bottom-most part of the sign.

P. 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 (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.
- B. 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.

1104.6 Signs on Roof

No sign attached to a building shall be placed on any part of the main roof of the building. (See the definition of *roof sign* in §1102.)

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 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 twelve (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 eight and one-half (8.5) feet.

2. 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.
 3. No awning or canopy sign shall extend into a required side or rear setback.
 4. The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 5. 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.
- 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 fifty (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 but shall not flash.
- E. Permit Not Required - A permit shall not be required.

1104.9 Freestanding Sign Landscaping

All freestanding business and residential identification signs shall be placed in a landscaped area of not less than one (1) square feet of landscaping for one (1) square foot of sign area, but in no case less than fifty (50) square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord

with §701.2.

1104.10 Noncommercial Free Speech Signs

- A. Definition - A *noncommercial free speech sign* is 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*.
- B. Permit - A permit shall not be required.
- C. Clear Sight; Hazards - No sign shall violate the clear sight requirements of §501.9 or otherwise be erected in such manner as would constitute a public hazard.
- D. Public Rights-of-Way - Noncommercial free speech signs shall not be erected within a public road right-of-way.

1104.11 Wood Relief Sign Area Bonus

- A. Sign Area - The following signs shall be eligible for a forty (40) percent increase in size over the maximum allowed sign area only if the sign complies with the requirements of this §1104.11 in addition to all other applicable requirements. Example: 40 sf + (40 sf)(40 %) = 40 sf + 16 sf = 56 sf.
 - 1. Residential development road entrance signs (§1106.2).
 - 2. Individual business identification signs (§1108.1).
 - 3. Shopping center, mall and multiple occupant business identification signs (§1108.2).
 - 4. 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.

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.

D. Sign Types - Temporary signs shall be limited to non-projecting wall signs or attached ground 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 two (2) 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 two (2) per lot or business.

B. Area - The aggregated area of all temporary business signs shall not 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 thirty (30) 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 - 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 development 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 - Twelve (12) 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 fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not project higher than 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 noncommercial 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 – Thirty-two (32) square feet.
- C. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within seven (7) days of the termination of such campaign, drive, activity, or event.
- D. Permit Not Required - A permit shall not be required.

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. Private Property - On private property, temporary political signs shall be considered noncommercial free speech signs regulated by §1104.10.
- B. Road Right-of-Way - Temporary political signs located within a public or private road right-of-way shall comply with the following:
 - 1. Height - Temporary political signs shall not project higher than fifteen (15) feet.

2. Timing - Signs may be displayed for a period not to exceed thirty (30) days prior to the date of the election to which the signs are applicable and shall be removed within seven (7) days following the election.
3. 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.
4. 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.
5. Permit Not Required – A permit shall not be required for political signs. Prior to the erection of any political signs, the political candidate or the candidate's authorized representative should contact the Zoning Officer to ensure compliance with applicable requirements.

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 - twelve (12) 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 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 twenty (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 seven (7) 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 (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

- A. Type - Building name and address signs may be either wall signs or ground signs.
- B. Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two 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 sign area 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 fifteen (15) 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.

1106.3 Home Occupation Signs

One (1) sign of not more than two (2) square feet for each face shall be permitted.

1107 Reserved

1108 Commercial, Manufacturing, Industrial, Public and Semi-Public Uses

For all commercial, manufacturing, industrial, public and semi-public uses (referred to as *business* in this section) 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 provisions of this §1108.1 shall apply where an individual business is located on the lot. The following signs are permitted provided all regulations are met:

A. Freestanding Signs

1. Number - Only one (1) freestanding business identification sign is permitted per lot, except on corner lots where one (1) may be permitted on each street frontage.
2. Area - The maximum area shall be thirty-two (32) square feet.
3. Height - The maximum height shall be twenty (20) feet.

B. Wall Signs - Business signs attached to the principal structure shall be permitted.

1. Location – A wall sign shall only be attached to or painted on the facade of the building which faces the public right-of-way, shall be attached directly to and in the same plane of the facade, and shall not project more than one (1) foot from the facade.
2. Area - The total area of the signs(s) shall not exceed ten (10) percent of the area of the facade to which the sign is attached or fifty (50) square feet, whichever is less.

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 (2) or more businesses (commercial, manufacturing, industrial, public or semi-public uses) are housed in one (1) or more principal structures.

A. Freestanding Signs

1. Number - Only one (1) freestanding sign is permitted per lot, except on corner lots where one (1) may be permitted on each street frontage.
2. Area - The maximum area of a freestanding sign shall be twenty (20) square feet.
3. Content - The freestanding development identification sign shall not contain the name of any individual

business occupant of the premises unless such tenant or occupant occupies thirty (30) percent or more of the total development. Each freestanding development identification sign may include, affixed directly to it, a directory indicating only the names of the business occupants of the development which are not listed on the main sign face. The gross surface area of a directory sign shall not exceed twelve (12) square feet for each exposed face for each occupant in the development.

4. Height - The main identification signs shall not exceed twenty (20) feet in height.

B. Individual Occupant Wall Signs (See §1108.7 for shingle signs.)

1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.

2. Area - The surface area of a wall sign shall not exceed thirty-two (32) square feet.

3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.

4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or beyond and wall edge.

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 fifteen (15) 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

- A. Permitted Sign - 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.

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

- B. Height - The sign shall be attached to the same frame as the main business sign and shall not exceed the permitted height of that sign.

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 (6) feet and the area of the shingle sign shall count toward the total square footage permitted for individual business identification signs by §1108.1 and toward the wall sign permitted for individual occupants by §1108.2B.
- 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 (8) 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. Shingle signs shall not be more than six inches or less than one (1) inch thick.

1108.8 A-Frame or Sandwich Board Signs

A-frame or sandwich board signs shall be permitted subject to the following:

- A. Each business establishment shall be limited to one (1) A-frame or sandwich board sign.
- B. The sign shall be comprised of two (2) boards of durable material with no attachments.
- C. The sign shall not exceed eight (8) square feet for each exposed face and shall not exceed thirty (30) inches in width or four (4) feet in height.
- D. The sign shall not be illuminated.
- E. The sign shall be displayed only during the hours when the establishment is open for business and shall include advertising pertaining only to the establishment of location.
- F. The sign shall not be placed in such manner as to impede pedestrian or vehicle traffic or the opening of vehicle doors.
- G. The sign shall be sufficiently secured or weighted to resist overturning.
- H. The sign shall not be displayed at any time when snow has accumulated on or has not been completely removed from the sidewalk in front of the premises where the sign is permitted.

1108.9 Off-Premises Business Directional Signs

The owner, occupant, lessee of a business or profession located in the Township may erect two (2) signs on his own or rented land advertising such business and directions thereto. Any such sign shall not have a surface area of more than four (4) square feet. In cases where a sign directory has been erected pursuant to the following §1108.10, no off-premises sign shall be permitted that could otherwise be included on the directory sign and provide the required directions.

1108.10 Directory Signs

The installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two or more roads advertising one (1) or more businesses and directional arrows thereto shall be permitted. An individual sign on this board advertising a single business shall not exceed a surface area of four (4) square feet and shall be uniform with other signs on the sign board. Evidence of the ownership and proposed operation and maintenance of such directory shall be submitted with the permit application. All other applicable standards in this Article XI shall apply and a permit shall be required for each individual sign on the directory. Not more than one (1) directory sign shall be permitted on each corner of an intersection.

1109 Off-Premises Advertising Signs and Billboards

Off-premises advertising signs and billboards (referred to as *billboards*) are permitted in the GC - General

Commercial District on lots fronting on PA Route 191 subject to the following:

1109.1 Number and Spacing

Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than five-hundred (500) feet to any other billboard.

1109.2 Dwelling and District Setbacks

No billboard shall be erected less than three-hundred (300) feet from any existing residential structure or any other District.

1109.3 Size

No billboard shall exceed three hundred (300) square feet in surface area and no advertising face shall exceed twelve (12) feet in vertical measurement or twenty-five (25) feet in horizontal measurement.

1109.4 Height

No billboard shall exceed a height of thirty (30) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.

1109.5 Setbacks

All billboards shall maintain a side setback of not less than twenty-five (25) feet; and shall be located not less than thirty (30) feet and not more than seventy-five (75) feet from the adjoining public road right-of-way line.

1109.6 Separate Structure

No billboard shall be attached to or erected on any other structure.

1109.7 Advertising Sides

Advertising material shall be permitted only on one side of any billboard; and advertising material shall not be placed on the blank side of any existing billboard.

1109.8 Intersection Setback

All off-site advertising signs shall be located no closer than one hundred (100) feet from any public road intersection.

1109.9 Electronic Message

A billboard may be an electronic message sign complying with §1110.

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 and Number, Size and Height

- A. Location - Electronic message signs shall be located only on parcels within GC Districts.
- B. Number, Size and Height - Each development parcel shall be limited to one (one) electronic message sign which is used in lieu of another permitted sign subject to the normal standards for that 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.

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 five (5) 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
 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.

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.

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.

1111 Nonconforming Signs**1111.1 Legal, Nonconforming Signs**

Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal nonconforming 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 Article IX 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 Article IX 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 one (1) year 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 §1112.1A 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.

- D. Property Owner Permission Required - No person shall post or locate any information, personal, temporary, political, special event, or development sign upon public or private property, tree, utility pole, traffic control device or sign, road sign, street sign, or upon any other existing sign, without the permission of the owner of the same.
- E. Removal - Any sign not removed within the time required by this Ordinance is deemed to be abandoned and may be removed and disposed of by the Township and the owner of such sign shall be liable for cost incurred by the Township in taking such remedial action.

1112.3 Illegal Signs

If the Zoning Officer shall find that any sign is displayed in violation of this Ordinance, an enforcement action shall be initiated 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, extension or demolition 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

(Note: A Uniform Construction Code permit may be required in cases where a zoning permit is not required.)

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

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within thirty (30) days of receiving a proper and complete application for a principal permitted use or accessory use, 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 §1205.2B.

1201.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant.

1202 Permits and Certificates

1202.1 Applicability See §1200.

1202.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) - 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 and control 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. The Zoning Officer, in his discretion, may require a survey prepared by a Pennsylvania Registered Land Surveyor for any application.
 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 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 or accessory use within a maximum of thirty (30) 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.
- 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.

1202.9 Minimum Residential Lot Requirements

Any lot or parcel of land proposed for residential use, either permanent, seasonal, part time or recreational by means of a permanent or movable housing structure or recreational vehicle shall be improved to certain minimum requirements prior to issuance of a residential occupancy permit. The minimum required improvements shall include:

- A. A safe potable water supply and delivery system.
- B. A sewage disposal System which meets all state and township requirements.
- C. Required off-street parking spaces.
- D. Power supply facilities approved by the local utility company.

1202.8 Expiration of Permits and Approvals

- A. Zoning Permits - When authorized by the issuance of a zoning permit, any permitted building construction shall be initiated within one (1) year of the permit issuance date and be completed within two (2) years of the permit issuance date. The zoning permit shall automatically expire for failure to comply with the required initiation and completion periods.
- 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 Magisterial District Judge.
- 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. 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.
- C. Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
- D. Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this Ordinance.
- E. Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- F. 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.
- G. 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 Notice
 - 1. Written notice shall be mailed, emailed or personally delivered to the Zoning Officer and the Applicant or his/her representative listed on an official application form within ten (10) calendar days of the date the hearing is scheduled.

2. Notice may be delivered, emailed or mailed to the Chairperson of the Planning Commission and the Township Secretary within ten (10) calendar days of the date the hearing is scheduled.
 3. Also, such notice shall be mailed, emailed 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 not less than fourteen (14) calendar days prior to the hearing date.
 4. Notice of all special exception hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing date. Such notice shall be by certified mail to the last known address of the contiguous owners as listed in County tax assessment records and the Applicant shall provide proof of the certified mailing to the Zoning Hearing Board. Failure of the Applicant to complete and provide proof of the required certified mailing the Zoning Hearing Board shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Zoning Hearing Board. Notice of any rescheduled hearing shall comply with all applicable requirements.
- 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 persons 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 Reserved

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.

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
 - 1. Application Filing
 - a. Five (5) completed copies of the application shall be filed with the Zoning Officer at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the Official Date of Application Submission.
 - b. The Zoning Officer shall refuse to accept for filing an application which does not provide all information required by this Ordinance and/or the failure to pay the required fee.

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 application complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
4. Official Date of Application Submission - The Official Date of Application Submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.
 - a. If the submission is not complete or is not in the proper form, the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - b. If the submission is complete and acceptable, the date of the said meeting shall be the Official Date of the Application Submission and shall begin the sixty (60) day period for the commencement of the required hearing before the Board of Supervisors.
 - c. If the first meeting of the Planning Commission following the date of application filing occurs more than thirty (30) days following the date of the filing, the sixty (60) day hearing commencement period shall be measured from the thirtieth (30th) day following the day of said filing.
5. 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 along with a recommendation indicating whether the criteria listed in §1208.4 and any other applicable performance standards have been satisfied, and if approval is recommended, any conditions of approval which are deemed appropriate for the protection of the public health, safety and general welfare.
 - b. If such review is not received within the time limit within which the Board of Supervisors must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board of Supervisors may make a decision without having received comments from the Planning Commission.
6. Notice of Hearings

Notice of all conditional use hearings of the Board of Supervisors shall be given as follows:

 - a. 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.
 - b. Persons Given Notice
 - (1) Written notice shall be mailed, emailed or personally delivered to the Zoning Officer and the Applicant or his/her representative listed on an official application form within ten (10) calendar

days of the date the hearing is scheduled.

- (2) Notice may be delivered, emailed or mailed to the Chairperson of the Planning Commission and the Township Secretary within ten (10) calendar days of the date the hearing is scheduled.
- (3) Also, such notice shall be mailed, emailed 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 not less than fourteen (14) calendar days prior to the hearing date.
- (4) Notice of all conditional use hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing date. Such notice shall be by certified mail to the last known address of the contiguous owners as listed in County tax assessment records and the Applicant shall provide proof of the certified mailing to the Board of Supervisors. Failure of the Applicant to complete and provide proof of the required certified mailing the Board of Supervisors shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Board of Supervisors. Notice of any rescheduled hearing shall comply with all applicable requirements.

7. Board of Supervisors Action

- a. 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.
- b. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the 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 special exception.
- B. Procedure (See §1206 for require notice.)

1. Application Filing

- a. Five (5) completed copies of the application shall be filed with the Zoning Officer at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the Official Date of Application Submission.
- b. The Zoning Officer shall refuse to accept for filing an application which does not provide all information required by this Ordinance and/or the failure to pay the required fee.

2. 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 application complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
3. Official Date of Application Submission - The Official Date of the Application Submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.
 - a. If the submission is not complete or is not in the proper form, the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - b. If the submission is complete and acceptable, the date of the said meeting shall be the Official Date of the Application Submission and shall begin the sixty (60) day period for the commencement of the required hearing before the Zoning Hearing Board.
 - c. If the first meeting of the Planning Commission following the date of application filing occurs more than thirty (30) days following the date of the filing, the sixty (60) day hearing commencement period shall be measured from the thirtieth (30th) day following the day of said filing.
4. Planning Commission Review of Special Exception Uses
 - a. The Planning Commission shall be provided with an opportunity to review any proposed special exception at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review along with a recommendation indicating whether the criteria listed in §1208.4 and any other applicable performance standards have been satisfied, and if approval is recommended, any conditions of approval which are deemed appropriate for the protection of the public health, safety and general welfare.
 - b. If such review is not received within the time limit within which the Zoning Hearing Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Zoning Hearing Board may make a decision without having received comments from the Planning Commission.
5. Zoning Hearing Board Action on Special Exception Uses
 - a. The Board shall hear and decide a request for a special exception use under the procedures in §1206 of this Ordinance and §908 of the MPC.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this §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.

ARTICLE XIII
AIRPORT OVERLAY DISTRICT

(See §804 for standards applicable to new airports and changes to existing airports.)

1300 Introduction and Intent

1300.1 Introduction

- A. This Article XIII applies to the *Airport Overlay District* created by § 401.3 of this Ordinance which includes all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by this Article XIII. In addition to all other applicable standards of this Zoning Ordinance the requirements of this Article XIII shall apply in the Airport Overlay District.
- B. This Article XIII regulates and restricts the height to which structures may be erected or objects of natural growth are permitted to extend, and otherwise regulates the use of property in the vicinity of an airport regulated by this Article XIII by creating the appropriate zones and establishing the boundaries thereof; provides for changes in the restrictions and boundaries of such zones; and defines certain terms used herein.
- C. The standards in this Article XIII shall also apply to any other existing or proposed airports in the Township.

1300.2 Intent

The intent of the *Airport Overlay District* is to regulate airport hazard zones in the Township. Activities at airports may limit the uses of the lands owned by others, and the uses of land in airport hazard zones may limit the operation of an airport. Therefore, the purpose of the overlay district is to provide procedures and criteria for balancing the rights of airport owners and landowners in the vicinity of airports, in light of the need for aircraft safety.

1301 Authority

In addition to the authority for zoning in general as authorized by the Pennsylvania Municipalities Code, the provisions of this Article XIII are adopted pursuant to the authority conferred by the Act of October 10, 1984, P.L. 837, No. 164, of the General Assembly of the Commonwealth of Pennsylvania, as amended, known and cited as the *Aviation Code of Pennsylvania* and specifically that subchapter of the *Aviation Code* known as the *Airport Zoning Act*

1302 Findings and Declaration of Policy

1302.1 Findings

It is hereby found that:

- A. An obstruction has the potential for endangering the lives and property of users of an airport regulated by this Article XIII and property or occupants of land in the vicinity;
- B. An obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport regulated by this Article XIII ;
- C. That obstructions to aircraft concern the Federal Aviation Administration (FAA), and the Pennsylvania Department of Transportation, Bureau of Aviation (Bureau);
- D. That FAA and the Bureau have issued model regulations and guidelines for Townships to facilitate the control of obstructions to aircraft;

- E. That the regulation of these obstructions, upon lands not owned by the airport owner or operator, shall not adversely affect the right of neighboring landowners to reasonably use their lands within the reasonable height limitations of the Zoning Ordinance;
- F. That the prevention of the creation or establishment of hazards to air navigation are public purposes necessary for the protection of the safety, health, and welfare of the residents of the Township and the traveling public.
- G. That expansion or changes at public airports in the Township may result in changes to airport hazard zones;
- H. That changes in airport hazard zones affect the rights of property owners to reasonably use or develop their land;
- I. That the character of the flying operations conducted at airports, the nature of the terrain within airport hazard zones, the character of the neighborhood, and the public interest, are all considerations needing protection by airport hazard zoning regulations;
- J. That any changes to airport hazard zones resulting in changes at airports shall be carefully reviewed for its affects upon neighboring landowners as well as for the safety of the aircraft; and
- K. That the regulation, restriction, or prohibition of uses, and structures at, along, or near public airports is an important function for which zoning and land use ordinances are enacted, and that a Township may require permits prior to changes in uses or structures at or near airports, and may enact reasonable regulations to protect the public health, welfare, safety, morals, and general welfare.

1302.2 Declaration of Policy

Accordingly, it is declared that:

- A. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the public health, safety and welfare;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and,
- C. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the powers of the Sterling Township Supervisors.

1303 General Definitions

The definitions in this §1303 shall supplement the definitions in Article III of this Ordinance and shall apply to the requirements and standards of this Article XIII.

AIRCRAFT: Any contrivance used for manned ascent into or flight through the air.

AIRPORT: In general, any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. For the purposes of regulation, the term *airport* includes public airports but excludes private airports and heliports.

AIRPORT ELEVATION: In general, the highest point of an airport's usable landing area measured in feet above sea level. In the case of Spring Hill Airpark, the *airport elevation* is one thousand seven hundred thirty-five (1,735) feet above mean sea level.

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

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Article and PA Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

AIRPORT ZONE MAP: See *Height Limitation and Zoning District Map*.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in §1304. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES: These zones are set forth in §1304 of this Ordinance.

BUREAU OF AVIATION: Pennsylvania Department of Transportation, Bureau of Aviation.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet.

DEPARTMENT: Pennsylvania Department of Transportation, Bureau of Aviation.

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

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Article and shown on the airport zone map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT LIMITATION AND ZONING DISTRICT MAP (also referred to as *airport zone map*): For any airport regulated by this Article XIII, the most current *Height Limitation and Zoning District Map* as published by the Pennsylvania Department of Transportation, Bureau of Aviation.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

NONCONFORMING USE: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §1304 of this Ordinance.

PERSON: An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. When the runway

has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §1304 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

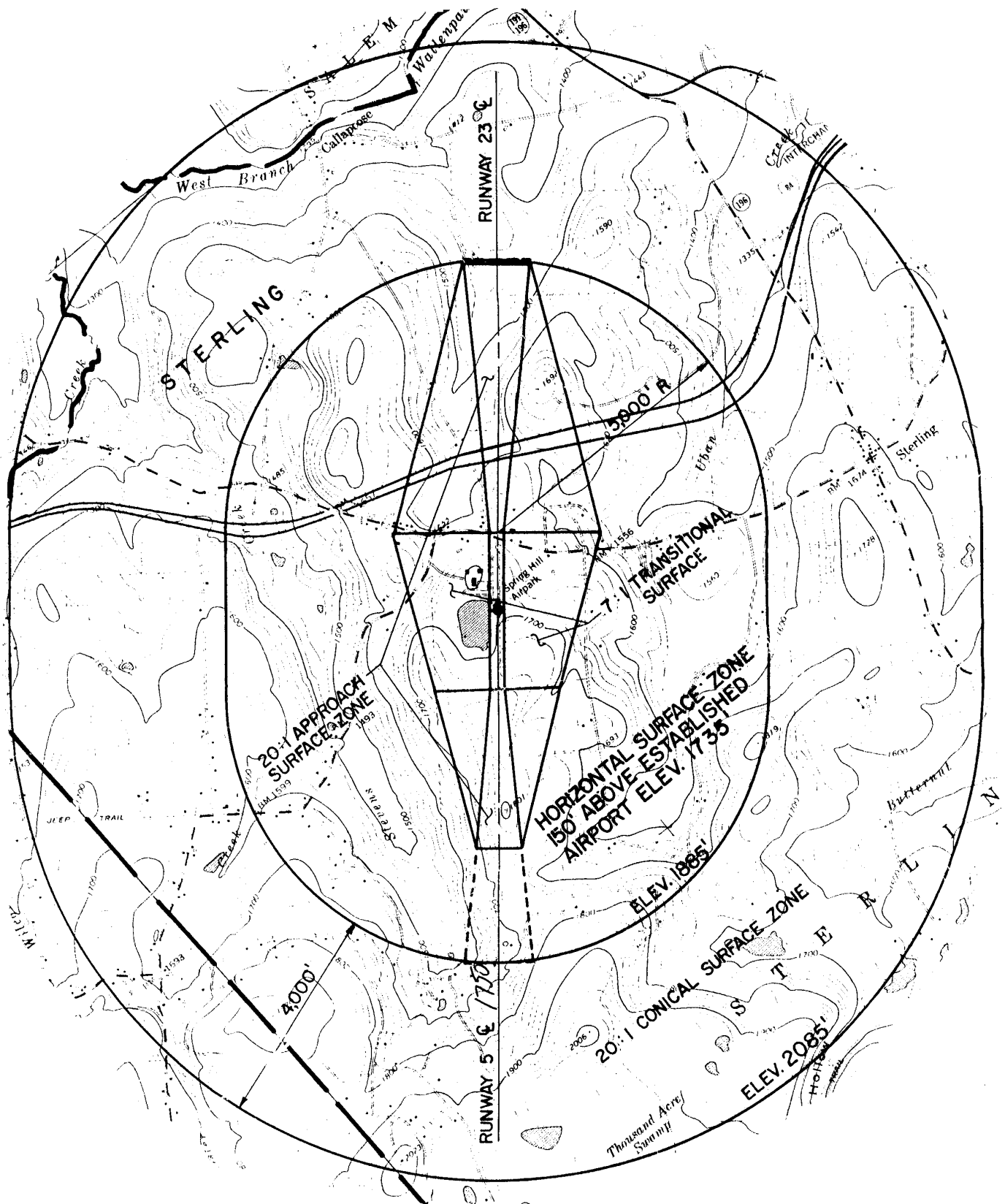


FIGURE 1 - HEIGHT LIMITATION AND ZONING DISTRICT MAP, PennDOT Bureau of Aviation, 1989

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

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

TRANSITIONAL SURFACES: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

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

VEGETATION: Any object of natural vegetative growth.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

1304 Airport Surface Zones

In order to carry out the provisions of this Article XIII, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by this Article XIII. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. Should any airport be developed or any existing airport be upgraded beyond the zones included in this section, FAA criteria for the applicable classification shall apply.

The various zones are hereby established and defined as follows:

1304.1 Utility Runway Approach Surface Zones

- A. **Visual Approach Surface Zone** - Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide (125 feet on each side of the runway centerline). The zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. **Non-precision Instrument Approach Surface Zone** - Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide (250 feet on each side of the runway centerline). The zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1304.2 Utility Runway Primary Surface Zone

The primary surface zone is longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface zone extends two hundred (200) feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface zone ends at each end of that runway.

- A. **Primary Surface Zone for Visual Approaches:** The boundary of this zone coincides with the primary surface and is two hundred and fifty (250) feet wide (125 feet on each side of the runway centerline).
- B. **Primary Surface Zone for Non-precision Instrument Circling Approaches:** The boundary of this zone coincides with the primary surface and is two hundred and fifty (250) feet wide (125 feet on each side of the runway

centerline).

- C. Primary Surface Zone for Non-precision Instrument Straight-In Approaches: The boundary of this zone coincides with the primary surface and is five hundred (500) feet wide (250 feet on each side of the runway centerline).

1304.3 Transitional Surface Zone

Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

1304.4 Horizontal Surface Zone

Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

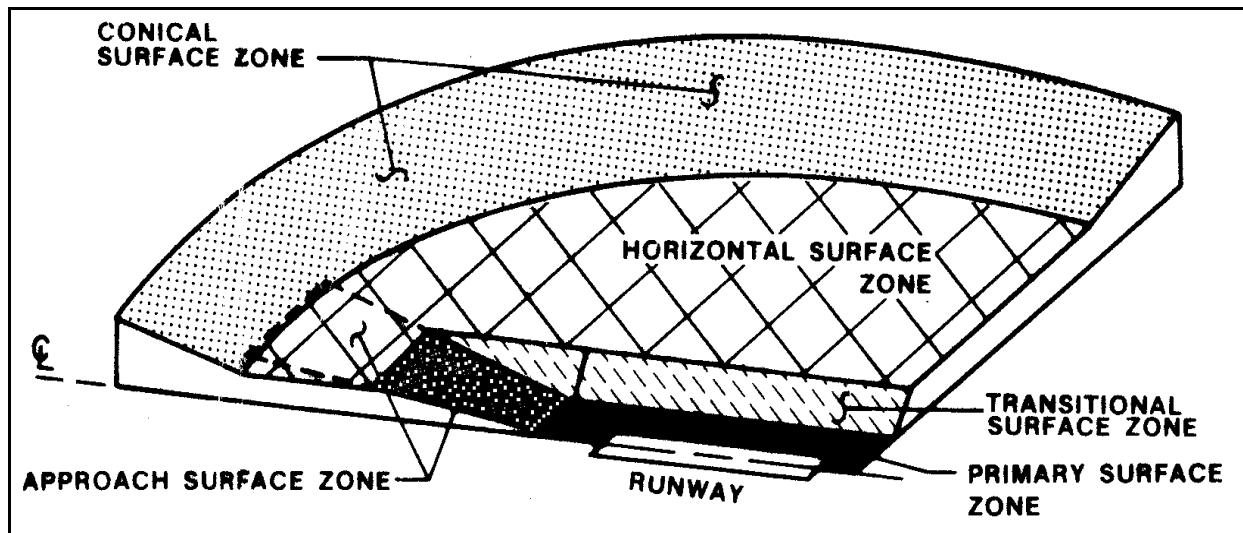


FIGURE 2 - ISOMETRIC VIEW OF AIRPORT SURFACE ZONES

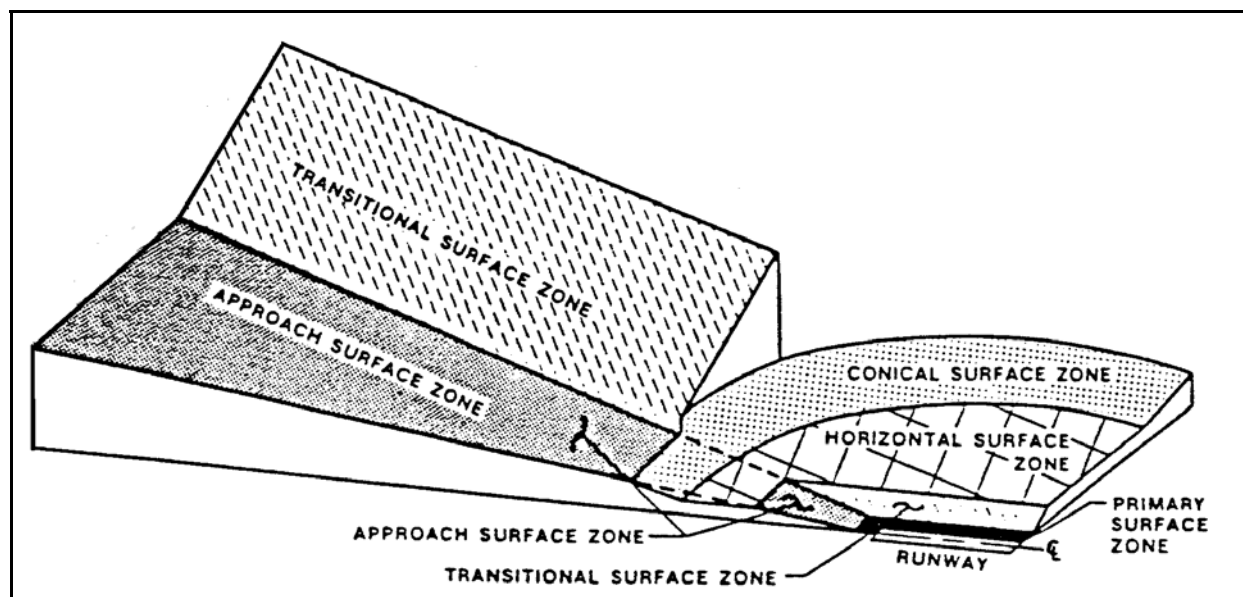


FIGURE 3 - EXTENDED ISOMETRIC VIEW OF AIRPORT SURFACE ZONES

1304.5 Conical Surface Zone

Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

1305 Airport Surface Zone Height Limitations

Except as otherwise provided in this Article XIII, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow in any zone created by this Article XIII to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1305.1 Utility Runway Surface Zones

- A. Visual Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- B. Non-precision Instrument Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) along the extended runway centerline.

1305.2 Primary Surface Zone

Established at the same height as the primary surface. The exception provided in §1305.6 shall not apply in the Primary Surface Zone.

1305.3 Transitional Surface Zones

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation.

1305.4 Horizontal Surface Zone

Established at one hundred fifty (150) feet above the established airport elevation.

1305.5 Conical Surface Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation.

1305.6 Excepted Height Limitations

However, nothing in this Article XIII shall be construed as prohibiting the construction or maintenance of any structure, or growth of any vegetation to a height up to fifty (50) feet above the surface of the land, which is not otherwise prohibited by this Zoning Ordinance. This exception shall not apply in the Primary Surface Zone.

1306 Airport Zoning Requirements

1306.1 Use Restrictions -- Electrical Interference, Lighting, Glare, Bird Hazards

Notwithstanding any other provisions of this Article XIII, no use may be made of land or water within any zone established by this Article XIII in such a manner as to:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft. This is not intended to preclude the normal use of household appliances such as for example, microwave ovens, televisions, portable telephones and computers.

- B. Make it difficult for pilots to distinguish between airport lights and others.
- C. Result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport.
- D. Create bird strike hazards.
- E. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1306.2 Nonconforming Uses

- A. Regulations Not Retroactive - The regulations prescribed by this Article XIII shall not be construed to require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Article XIII or governing predecessor ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided in §1307 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article XIII or governing predecessor ordinance, and is diligently executed.
- B. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Sterling Township Board of Supervisors in accord with FAA or Bureau of Aviation guidelines or regulations to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport.

1307 Permits

The permits and variances required by this Article XIII shall be in addition to those required by Article VI of this Zoning Ordinance with respect to principal permitted uses, conditional uses, special exceptions and accessory uses. Applications for permits and variances required by this Article XIII may be submitted and considered concurrently with the application for any other such approval required and no permit shall be granted under the terms of this Article XIII unless any other permit required by other Articles of this Ordinance has been granted.

1307.1 Future Uses; Permits Required

Except as specifically provided in subsections A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no vegetation shall be permitted to exceed the established height limitation in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information for the Township to determine whether the resulting use, structure, or vegetation would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article XIII shall be granted unless a variance has been approved in accordance with this Article XIII.

Nothing contained in any of the exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any vegetation in excess of any of the height limits established by this Article XIII, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. However, a general zoning permit may be required pursuant to the other requirements of this Zoning Ordinance.

- A. Horizontal Zone and Conical Zone - In the area lying within the limits of the horizontal zone and conical zone, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet

of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such vegetation or structure would extend above the height limits prescribed for such zones.

- B. Approach Zones - In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such vegetation or structure would extend above the height limit prescribed for such approach zones.
- C. Transition Zones - In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when such vegetation or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
- D. Primary Surface Zones - No permit exemptions.

1307.2 Existing Uses

Before any nonconforming structure may be replaced, substantially altered or rebuilt or vegetation allowed to grow higher, a permit must be secured from the Township authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or vegetation to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

1307.3 Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Officer determines that any nonconforming vegetation or structure has been abandoned or discontinued as governed by Article IX of this Zoning Ordinance, no permit shall be granted that would allow such structure or vegetation to exceed the applicable height limit or otherwise deviate from this Article XIII.

1307.4 Procedures

- A. Application - The applicant for a permit shall, in addition to the other information required for zoning permits by this Zoning Ordinance, provide information detailing the height of the proposed structure, object or vegetation, the elevation of the proposed site, and a statement as to the compliance with the height limitations established by this Article XIII.
- B. FAA, Bureau of Aviation Filing - A person who plans to erect a new structure, to add to an existing structure, or to erect any object (natural or manmade) in the approach surface zone, the primary surface zone, or the transitional surface zone, or where the proposed object exceeds a height of fifty feet in the horizontal surface zone and conical surface zone, shall first obtain approval from both the FAA and the Pennsylvania Department of Transportation, Bureau of Aviation. If, in consultation with the Board of Supervisors and the Township Engineer, the Zoning Officer determines that any uncertainty exists as to the compliance with the height limitations of this Article XIII, the applicant shall be required to file Form AV-57 with the Bureau of Aviation; and File FAA Form 7460-1 with the FAA. Copies of the forms and responses shall be provided to the Zoning Officer. In cases where FAA or Bureau of Aviation regulations so require, the submission of a *Notice of Proposed Construction or Alteration* shall be mandatory. No application shall be considered as complete for consideration until required responses are received from the FAA and Bureau of Aviation. Any requirements of the FAA or Bureau of Aviation shall be a condition of approval of any variance or permit approval.
- C. Zoning Officer Action - In cases where FAA and Pennsylvania Department of Transportation, Bureau of Aviation action is required in accord with §1307.4B, the Zoning Officer shall not issue a Zoning Permit unless and until

written responses are received from both FAA and the Bureau of Aviation.

1. If the Bureau of Aviation and the FAA report the landowner's proposed construction or alteration *does not* constitute an obstruction, the Zoning Officer may issue a Zoning Permit.
2. If either the Bureau of Aviation or the FAA reports the proposed construction or alteration *is an obstruction*, the permit shall not be issued and the applicant may apply for a variance.

1308 Variances

1308.1 Application

Any person desiring to erect any structure or increase the height of any structure or permit the growth of any vegetation or otherwise use his property not in accordance with these airport zoning regulations, may apply to the Zoning Hearing Board (ZHB) in accord with this Article XIII and §1207 of this Ordinance for a variance from the zoning regulation in question.

1308.2 Requirements

A variance shall only be granted after the requirements of §1308 and §1207.1 are satisfied. No variance shall be granted which is contrary to the public interest, which will create a hazard to air navigation, or which would not be in accordance with the spirit of the regulations in this Article XIII. Any variance may be granted subject to any reasonable conditions that the ZHB may deem necessary to effectuate the purpose of this Article XIII.

1308.3 FAA / Bureau of Aviation Determination

The application for variance shall be accompanied by a determination from the Federal Aviation Administration and the Bureau of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Any requirements of the FAA and Bureau of Aviation shall be a condition of approval of any variance or permit approval.

1308.4 Airport Notification

See §1310.2.

1308.5 Notice of Intent to Grant Variance to Bureau of Aviation

See §1310.3.

1309 Obstruction Marking and Lighting

Any permit or variance granted under this Article XIII may, if such action is deemed advisable to effectuate the purpose of this Article XIII and is reasonable under the circumstances, be so conditioned as to require the owner of the structure or vegetation in question to permit the Airport, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA or Bureau of Aviation.

1310 Enforcement and Notice

1310.1 Local Enforcement

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose. Application for action by the ZHB shall be forthwith transmitted by the Zoning Officer. All such applications may be made and may be considered concurrently with any required general zoning application.

1310.2 Airport Notification

- A. Permits - Upon receipt of any application for a permit pursuant to this Article XIII which is subject to FAA and Bureau of Aviation determination in accord with §1307.4B, the Zoning Officer shall notify the Airport Manager (or person of equivalent description) who shall be given the opportunity to review and comment on said application as to the aeronautical effects. If the Airport Manager (or person of equivalent description) does not review the application within fifteen (15) days after such notice, the Zoning Officer may act without such input to grant or deny said application.
- B. Variances - No application for variance to the requirements of this Article XIII may be considered by the ZHB unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for comments as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the ZHB may act without such input to grant or deny said application.

1310.3 Notice of Intent to Grant Variance To Bureau of Aviation

Notwithstanding any other provision of law, should the ZHB decide to grant a permit or variance, respectively, under this Article XIII, the Department of Transportation, Bureau of Aviation, shall be notified of the intent to issue the permit or variance. This notice shall be in writing and shall be sent so as to reach the Department at least ten (10) days before the date upon which the decision is to be issued.

1310.4 Subdivisions and Land Developments

- A. Notice of Development - In the case of major subdivisions or land developments as defined by the Sterling Township Subdivision and Land Development Ordinance, notice of receipt of any such application shall be provided to the Airport Manager (or person of equivalent description) for comments as to the aeronautical effects of the proposed subdivision or land development. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Township may act without such input to grant or deny said application. Notice to the Bureau of Aviation shall be provided in accord with §1310.3.
- B. Plan Information - The Township shall require that the plans include information to notify potential owners of the property or lots subdivided therefrom that the property is subject to Township airport zone requirements pertaining to height of structures and vegetation, electrical interference, lighting and glare. The details of the then current standards shall also be included on the plan along with the fact that more stringent standards may have been adopted by the Township and that the property owner and/or lot purchaser has the responsibility to comply with all applicable standards.

1310.5 Airport Owner to File Correspondence with Township

The airport owner shall send to the Township copies of all forms, applications, and requests affecting airport hazard zone movement or hazard zone changes sent to FAA and/or the Bureau of Aviation by the airport owner. Said copies shall be sent to the Township within three (3) days of sending said forms, applications and requests to the FAA or the Bureau of Aviation. The airport owner shall also include copies of all maps, documents, correspondence and plans attached to, required by, or accompanying said requests, applications, or forms.

1311 Relation to Other Zoning Regulations

In the event of conflict between any airport zoning regulations adopted under this Article XIII and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**ARTICLE XIV
ADOPTION**

This Ordinance ordained and enacted this ____ Day of _____, 2017, by the Board of Supervisors of Sterling Township, Wayne County, Pennsylvania, to be effective immediately.

Chairman

Vice-Chairman

Supervisor

ATTEST:

Township Secretary