

Lehman Township

Pike County, Pennsylvania

Zoning Ordinance

Ordinance No. 151

**As Adopted by the Lehman Township Board of
Supervisors**

On January 12, 2023

**This Ordinance was prepared under the direction
of the Lehman Township Planning Commission**



**2022 LEHMAN TOWNSHIP ZONING ORDINANCE
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CHAPTER 1 PRELIMINARY PROVISIONS

SECTION 101. SHORT TITLE. This Ordinance shall be known and be cited as the “Lehman Township Zoning Ordinance of 2022”.

SECTION 102. PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES. This Ordinance is hereby adopted to:

102.A. Promote, protect, and facilitate any of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; the provision of adequate light and air; access to incident energy sources, police protection, vehicle parking and loading space, transportation, water, sewer, schools, recreational facilities, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, and industrial use; as well as the preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, and aquifers.

102.B. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

102.C. Prevent one or more of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.

102.D. Provide for the use of land within the Township 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 multi-family dwellings in various arrangements, as well as manufactured homes and manufactured home communities.

102.E. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

102.F. Further the goals and objectives of the Lehman Township Comprehensive Plan.

102.G. Carry out the following community development objectives to:

1. Make sure that development carefully relates to natural features, and to avoid overly, intense development of environmentally sensitive land.
2. Minimize disturbance of creek valleys and steep woodlands.
3. Avoid overextending groundwater supplies, and to encourage groundwater

Recharge.

4. Protect the quality of groundwater and surface waters.
5. Encourage the continuation of farming.
6. Promote compatibility between land uses.
7. Seek coordinated development and roads across municipal borders.
8. Provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types.
9. Promote development that retains the rural character of the Township.
10. Encourage rehabilitation and avoid demolition of historic buildings.
11. Direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services.
12. Coordinate development with future central water and sewage services,
13. Direct industrial development to locations that will minimize conflicts with homes.
14. Direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes.
15. Promote new business development in appropriate areas that will provide additional tax revenue and job opportunities.

SECTION 103. APPLICABILITY.

103.A. This Ordinance shall apply throughout Lehman Township. Any of the following activities shall be carried out in conformity with this Ordinance:

1. Erection, construction, movement, placement or extension of a structure, building or sign.
2. Change of the type of use or expansion of the use of a structure or area of land.
3. Creation of a lot or alteration of lot lines.
4. Creation of a new use.

103.B. This Ordinance shall apply to the use of land, buildings, and structures, and the erection, construction, alteration, addition, placement, or relocation of a building or structure. However, this Ordinance does not apply to ordinary repairs and maintenance to existing buildings or structures that do not involve an expansion or change of use of a building or structure such as the repair or replacement of doors, windows, siding and roofing.

103.C. Any existing use, structure, or land which does not comply with the provisions of this Ordinance, but legally existed prior to the adoption of this Ordinance shall constitute a pre-existing legal nonconformity that may be continued provided that it is not abandoned, changed, enlarged, altered, restored or replaced.

103.D. This Ordinance does not apply to any existing or proposed buildings, or extension of any buildings, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission (PUC) shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption does not apply to telecommunications antennas, communications equipment buildings, communication towers for wireless telecommunication services regulated under the 1996 Telecommunications Act, small wireless communication facilities and fiber optic switch facilities.

103.E. Township owned, occupied or operated uses, building and structures (both existing and proposed) are exempt from the provisions of this Ordinance, as well as, uses, buildings, and structures owned, occupied or operated by a municipal authority created solely by the Township for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purposes.

103.F. This Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have been superseded and preempted by the act of:

1. May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act".

2. December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act".

3. December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act".

4. April 27, 1966 (1st Sp. Sess., P.L. 31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act".

5. This Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under the act of:

a. May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act", regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act".

b. June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law"; or

c. June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and Ordinances under certain circumstances", or the regulation of other activities that are preempted, but only to the extent preempted, by other federal or state laws.

SECTION 104. USES NOT ADDRESSED IN ORDINANCE. Whenever a use is not permitted in any zoning district by right, special exception or conditional use, the use is prohibited, except that the Board of Supervisors may permit such use as a conditional use in the I (Industrial District) for a manufacturing or industrial type use, or the GC (General Commercial) zones for all other uses subject to the following rules:

104.A. The use must be would less intensive in external impacts and nuisances than uses that area permitted use the District.

104.B. The use is compatible with other permitted uses in the District, and closely similar in impacts and character to uses permitted in that District.

104.C. The use is consistent with the purposes of the District.

104.D. The use meets the criteria for the granting of a conditional use under this Ordinance.

104.E. The use meets the general and supplemental regulations of this Ordinance for a similar use to the proposed use.

104.F. The use meets the dimensional regulations of the District.

SECTION 105. JURISDICTION. This Ordinance shall apply to all land, buildings, and structures within the Township.

SECTION 106. LIABILITY.

106.A. Any determination of the Zoning Officer, advice of a professional consultant, recommendation of the municipal planning commission, or decision of the Zoning Hearing Board or the governing body may not constitute a representation, guarantee or warranty of any kind by the municipality, in regards to the lawfulness or safety of any structure, building, or use, and shall not create any liability or cause of action against the municipality or any of its elected or appointed officials, boards or officers for any damage that may result from the determination, recommendation, or decision.

106.B. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), 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 entity or person for any damage that may result pursuant thereto.

106.C. If the Zoning Officer mistakenly issues or revokes a Zoning Permit, neither the municipality nor the Zoning Officer shall be liable for such action.

106.D. When one begins construction pursuant to a zoning determination or decision, such as the grant of a permit, variance, special exception or conditional use, during the pendency of the appeal that person proceeds at their own risk as the permit or approval may later be reversed on appeal by an aggrieved party.

106.E. By filing an application, the Applicant acknowledges disclosure of this Section of the Ordinance.

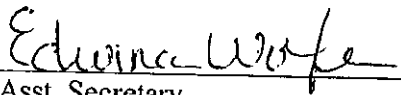
SECTION 107. PROCEDURAL DEFECTS IN ENACTMENT. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided by the Pennsylvania Municipalities Planning Code no later than 30 days after the intended effective date of the Ordinance under Section 110 below, or the effective date of any amendment as to that amendment only.

SECTION 108. REPEALER. The Lehman Township Zoning Ordinance (Ordinance No. 99) adopted June 17, 2004, as amended, is hereby repealed. All other Ordinances, or parts thereof, which are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any such inconsistency or conflict.

SECTION 109. SEVERABILITY. If any provision or provisions of this Ordinance shall be held to be invalid, illegal, unenforceable, or in conflict with the laws of the Commonwealth of Pennsylvania, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. It is the intention of the governing body that this Ordinance would have been adopted had such invalid, illegal, unenforceable or conflicting provision or provisions not been included therein.

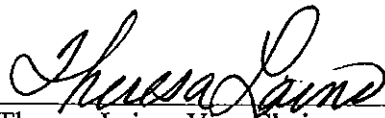
SECTION 110. EFFECTIVE DATE. This Ordinance shall take effect immediately following the date of enactment, being this 12th day of JANUARY, 2023.

ATTEST:

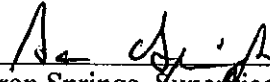

Asst. Secretary

LEHMAN TOWNSHIP BOARD OF
SUPERVISORS:


Robert H. Rohner, Chairperson



Theresa Laino, Vice Chairperson



Aaron Springs, Supervisor

CHAPTER 2 DEFINITIONS

SECTION 201. GENERAL INTERPRETATION. For the purposes of this Ordinance:

201.A. Words in the present tense shall include the future tense.

201.B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."

201.C. "Should" or "may" means that it is strongly encouraged but is not mandatory. "Shall", "Must" or "May Not" is always mandatory.

201.D. "Sale" shall also include rental.

201.E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.

201.F. If a word or term is not defined by this Ordinance but is defined in the Lehman Township Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning. A standard reference dictionary should be consulted.

201.G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples would otherwise comply with the provision.

201.H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

201.I. Any period of time referred to in this Ordinance in all cases shall be so computed as to include the first and last day of such period no matter when the first or last day of any such period shall fall whether it be a Saturday, Sunday, or legal holiday.

201.J. For the purposes of calculating the time period to appeal a decision of the Zoning Hearing Board or governing body, the 30-day time limit shall begin to run on the date of mailing the decision.

201.K. A reference to hours of operation for purposes of this Ordinance shall be local time in the eastern standard time zone.

201.L. Grammatical errors shall not impair or destroy this Ordinance and a transposition of words or Sections may be corrected to give meaning to the words or Sections as written.

201.M. In no case shall the punctuation in this Ordinance affect the intent of the Board of Supervisors.

201.N. Conditions shall be construed to limit rather than to extend the operation of the Sections to which they refer.

201.O. Exceptions expressed in this Ordinance shall be construed to exclude all others.

201.P. Headings are for convenience only and may not be used to aid in the construction or interpretation of this Ordinance.

201.Q. In referring to units in this Ordinance, the Section is the basic unit of organization ("SECTION"). The level immediately above a Section is the Chapter. Chapters are numbered sequentially. The terminology for referring to units within a section is as follows:

1. (A) (Subsection) (upper-case letter).
2. (1) (Paragraph) (Arabic numeral).
3. (a) (Subparagraph) (lower-case letter).
4. (i) (Clause) (lower-case letter).
5. (I) (Subclause) (upper-case Roman Numeral).

SECTION 202. DEFINITIONS. For purposes of this Ordinance:

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 definition of "adjacent."

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 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 may not be considered an accessory building.

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

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use with a significant portion of the marked value of its products offered for sale or rent, or over 10 percent of its total retail floor area occupied by books, films, magazines, video tapes, coin-or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by clear emphasis on depicting, displaying or relating to nudity, uncovered male or female genitals or specified sexual activities." These

materials include that which would be illegal to sell to persons under age 18 pursuant to State law.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to three or more persons and which is related to some form of monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to three or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observing by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

Adult Use. This term includes any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

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

Age Restricted Residential Development. Any development containing residential uses that are permanently age restricted in accordance with the Fair Housing Act and the Housing for Older Persons Act, as those acts may be amended.

Agricultural. Crop farming, plant nursery and animal husbandry or raising of livestock or poultry.

Agribusiness. An agricultural operation that involves one or more of the following:

A. Concentrated Animal Feeding Operation (CAFO) means an agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the Act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law where the operation has greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

B. Concentrated Animal Operation (CAO) means an agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of Title 3 (Agricultural) Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management) where the operation has eight or more animal equivalent units [AEUs] where the animal density exceeds two AEUs per acre on an annualized basis.

C. Other agribusinesses include any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed building exceeding 10,000 square feet of gross floor area.

D. Intensive raising of livestock or poultry.

Agricultural Equipment Sales and Rentals. An establishment primarily engaged in the retail sale or rental of specialized machinery, equipment, and related parts generally used in agricultural, farm, and lawn and garden activities.

Agricultural Operation. 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 aqua cultural 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. The term does not include an agri-business, CAO, and CAFO or intensive raising of livestock or poultry.

Agricultural Product Marketing and Sales. An enterprise conducted upon, and accessory to, an active principal agricultural operation for the purpose of directly marketing agricultural products, in their natural or manufactured state, produced by the agricultural operation. The term includes any on-site processing, packaging, or other activity performed in the direct marketing of the agricultural products produced by the agricultural operation. The term also includes roadside stands, farm markets, "pick-your-own" operations, and other similar uses.

Agricultural Related Business. A use primarily engaged in servicing the needs of an agricultural operation by providing goods and services needed for and supporting agricultural operations. Agricultural related businesses are limited to agricultural equipment and other similar heavy-duty motor vehicle repair and service; grain mills; processing, preparation and retail sale of locally produced agricultural products; feed and farm supply stores and distributors; and warehousing, distribution, and wholesaling of agricultural products, supplies or equipment.

Agricultural Support Occupation. An enterprise conducted upon, and accessory to, an active principal agricultural operation or agribusiness.

Agritourism. An enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business use, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation or agri-business. Activities include hayrides, pony rides, wine tasting, ice cream making and sales, cornfield-maze contests, farmer's markets, harvest festivals, rodeos, western style equestrian events and contests including but not limited to barrel racing and steer sorting that are offered to the public or to invited groups for the purpose of recreation, entertainment, and education.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any seven-day period and shall not be available for use by the general public.

Animal Cemetery. A place used for burial of the remains of five or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

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 transmitting short-wave or citizens band radio signals. See also "Commercial Communications Antenna."

Apartment Building. A multi-family residential unit constructed as a single building containing three or more single-family residential dwelling units. See dwelling types.

Applicant. A landowner, developer, or authorized agent of a landowner or developer, who has filed a Zoning Application with the Zoning Officer under the Zoning Ordinance.

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 organizes social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. An area, other than a street, used for outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use includes an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use may not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage includes a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, and welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use does not include any activity meeting the definition of a "truck stop."

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a

"convenience store", provided that the requirements for convenience store are also met. A business that maintains an accessory use of providing motor fuel use by vehicle operated by that business may not, by itself, be considered an auto service station. This use may not include any activity meeting the definition of a "Truck stop."

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if; a) the majority of the basement has a clearance from floor to ceiling of six and a half feet or greater, and b) the top of the ceiling of the basement is an average of five or more feet above the finished grade along the majority of the front and side of the building that faces onto a street. This provision allows a walk-out basement in the rear to not count towards the maximum number of stories of a building.

Bed and Breakfast, Inn. A dwelling or its accessory structure consisting of no more than five rental units which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests of not more than three adults per rental unit, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family.

Betting Use. A place used for lawful gambling activities, including off-track pari-mutuel betting. This term does not include any use involving the sale of State regulated Lottery sales or lawful "Small Games of Chance."

Billboard. See Sign, Off-Premises.

Boarding House (Including "Rooming House"). A residential use in which: a) room (s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit that includes greater than the permitted maximum number of unrelated persons. A boarding house may 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 involve the providing of meals to residents but may not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve residents residing on-site for five or more consecutive days.

Board of Supervisors. The elected supervisors of Lehman Township, Pike County, Pennsylvania.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that

has a total area under roof of greater than 50 square feet. A "Building" is interpreted as including "or part thereof". See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

Building Width. The horizontal measurement between two vertical structural walls that are generally parallel to one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation or processing of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirement for a solid waste transfer facility. This definition does not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, or that involves overnight stays within seasonal cabins or temporary tents by organized groups or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of five percent. This term does not include a recreational vehicle campground.

Campground, Recreational Vehicle. An area where spaces are rented to transient visitors to the area to live within recreational vehicles, and which may include accessory recreational facilities.

Cemetery. A place used for burial of two or more non-cremated humans.

Check Cashing Business. An establishment engaged primarily in the cashing of checks by individuals or the deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date; or the offering of a loan until a paycheck would be received by the person receiving the loan. This term may not include any of the following:

A. A state or federally chartered bank, savings association, credit union, or industrial loan association.

B. A retail store engaged primarily in selling or leasing items to retail customers and that cashes a check for a fee not routinely exceeding one percent of the check amount as a service to its customers incidental to the retail store principal use.

C. A financial institution as the term is defined under this Ordinance.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. A tree farm may include as an accessory use the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear cutting. A logging method that removes all trees or the vast majority of tree from a mostly wooded area.

Cluster Development. A residential development that involves the permanent preservation of common open space, that places dwellings on the most suitable portions of a tract. It is one of the options for lot averaging under this Ordinance.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications include antennas used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 70 feet in height that is primarily intended to support one or more antennas.

A. Monopole Tower. A Commercial Communications tower that involves a single shaft as its structural support.

B. Small Wireless Communication Facility. Any equipment for the receiving or transmitting of wireless signals for commercial purposes, such as cellular telephone services, personal communications services (PCS), fleet communications systems and similar commercial facilities, whether operated in support of another business activity or available for the transmission of signals on a sale or rental basis; and all equipment required for the operation and maintenance of so-called "small cell" radio-frequency microwave communications systems that transmit and/or receive signals. Any structure associated with a Small Wireless Communication Facility shall be less than 70 feet in height, otherwise the facility shall be considered a commercial communication tower or antenna.

Commercial District. The VC and GC Zoning districts.

Commercial Use. This term includes retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered a commercial use.

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 or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use may include the preparation of meals to low-income elderly persons, as accessory to leisure activities. The use may not include residential uses or a "treatment center."

Comprehensive Plan. The latest adopted Comprehensive Plan of Lehman Township, as amended.

Conditional Use. A use permitted in a zoning district by approval of the Board of Supervisor under the applicable provisions of the Zoning Ordinance. The use will find classification under the heading "C" for the zoning district in which the property is located.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Convenience store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 6,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station." The sale of household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public in a building of 6,000 square feet or more shall be considered a grocery store.

County. Pike County, Pennsylvania.

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products from the soil and accessory storage of these products. This term includes orchards, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative, Municipal. A process provided in the Pennsylvania Municipalities Planning Code that permits the Township to address the potential invalidity of all or portions of its Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use may not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays but may not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to start-required education, including a "nursery school" or "head start" programs. See also the definition of "adult day care center." The following three types of day care are permitted without regulation by this Ordinance: a) care of children by their own "relatives"; b) care of children within a place of worship during regularly scheduled religious services; and c) care of one to three children within any dwelling unit, in addition to children who are "relatives" of the care giver.

A. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for four to six children at one time who are not "relatives" of the primary care giver.

B. Group Day Care Home. A type of "day care" use that: 1) provides care for between seven and 12 children at one time who are "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency, who at the time of this Ordinance is Department of Human Services (DHS).

C. Child Day Care Center. A type of "day care" use that: 1) provides care for seven or more children at any one time who are not "relatives" or the primary care giver, 2) does not meet the definition of a Family Day Care Home or Group Day Care Home, and 3) is registered with the applicable State agency, who as the time of this Ordinance is the Department of Human Services (DHS).

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. The Pennsylvania Department of Environmental Protection and its relevant bureaus.

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 temporary basis for the promotion of sales of real estate exclusively within the confines of the subdivision in which the temporary office is to be located.

District (or Zoning district). A land area within the Township wherein certain uniform regulations and requirements apply under the provision of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide-full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through or Drive-in Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, rooming house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "Sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

A. Conversion Apartment. A new dwelling unit created within an existing building where permitted under this Ordinance and meeting the minimum floor area requirements of Section 801(C) and other standards of this Ordinance.

B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single-family detached dwelling, twin dwelling, townhouse, or rowhouse. The individual dwelling units may be leased or sold for condominium ownership.

C. Sectional or "Modular" Home. A type of dwelling that meets the definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major Sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/manufactured home" and that is supported structurally by its exterior walls that rests on a permanent foundation.

D. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides. A single-family detached dwelling may be a mobile or manufactured home.

1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "recreation vehicle." The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above.

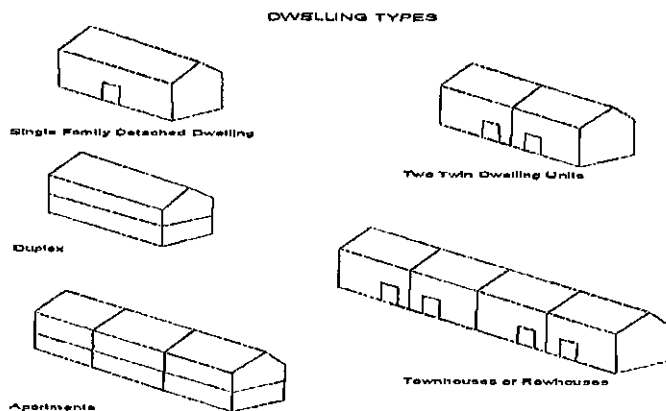
E. Twin Dwelling Unit. One dwelling unit accommodating one family that is attached to and completely separated by a vertical unpierced fire-resistant wall to only one additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may be on a separate lot from the attached dwelling unit.

F. Townhouse or Rowhouse. One dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.

G. Mixed Use Residential Unit. A building that contains at least one permitted commercial use as provided for in Chapter 3, Section 311(B) and one or more of the residential dwelling types identified in (A)-(F) above.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit may not include either or both of the following: a) two or more separate living areas to one another, or b) two separated by interior walls so as to prevent interior access from one living area to another, or c) two separate and distinct sets of kitchen facilities.

Types of Dwelling Units. See dwelling unit illustrations or sketch below.



Earth Disturbance. A construction or other human activity which disturbs the surface of the land, including grubbing, grading, excavations, embankments, road maintenance, building construction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. The clearing of vegetation without disturbance of the land shall not be considered an earth disturbance activity.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A membership club may be included if it is a permitted use in that district. This use may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in

which they are to be located. Essential services include the following and closely similar facilities: sanitary sewage lines, streets, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, streetlights and traffic signals. Essential services may not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage or trucks or equipment or bulk storage of materials.

Exotic animals. Any animal of a species prohibited by Title 50, Code of Federal Regulations, as may be amended, or otherwise controlled by the Commonwealth of Pennsylvania. The terms include any animal, which is wild, fierce, dangerous, noxious, or naturally inclined to do harm, including:

- A. Amphibians- includes venomous frogs, toads, turtles, etc.
- B. Bear (Ursidae)- bears (includes grizzly, brown, black bears, etc.).
- C. Cat family (Felidae)- includes lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, bobcats, wild cats, etc.
- D. Crocodilians- includes alligators, caimans, crocodiles, gavials, etc.
- E. Dog family (Canidae)- includes wolf, fox, coyote, dingo or other offspring of domesticated dogs bred with a wolf, fox, coyote, dingo, and any dog which bites, inflicts injury, assaults or otherwise attacks a human being or other animal without provocation, or any dog deemed a dangerous dog under Pennsylvania Law, etc.
- F. Pig- includes wild or domesticated swine, excluding certified Vietnamese potbellied pigs.
- G. Porcupine (Erethizontidae)-includes porcupines, skunks, etc.
- H. Primates (Hominidae)- includes sub-human primates, etc.
- I. Raccoons (Procyonidae)- includes raccoons and civets, etc.
- J. Reptiles- includes venomous and constricting snakes (boa constrictors, pythons, etc.) venomous lizards etc.
- K. Venomous Invertebrates- includes venomous spiders, scorpions, etc.
- L. Weasels (Mustelidae)- includes weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc., excluding domesticated ferrets.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common

household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the group home provisions, as it is the Township intent to comply with the Federal Fair Housing Act, as amended.

Farm Animal. Those animals normally associated with agricultural operations, such as cattle and poultry. The animals are typically raised for human consumption, production of dairy products, pelts or other commercial purposes.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a 'wall.'

Fiber Optic Switch Facility. A use that includes a building housing a generator or other equipment used in times of power outage or to improve processing speeds from data running along a backbone or right-of-way. If the use involves an antennae or tower then the use will be considered one of the following: a commercial communications tower, antennae or Small Wireless Communication Facility.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of floodplain and related terms in the Township Floodplain Ordinance.

Floor Area, Total. The total floor space within a building measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area includes a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least six and a half feet. Floor area does not include unenclosed structures.

Forestry. Managing and using, for human benefit, forest lands and natural resources that occur on and in association with forest lands, including trees, other plants, animals, soil and water. It includes the planting, cultivating, harvesting, transporting and selling of trees for commercial purposes. See "Timber Harvesting" in this Section.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character.

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

Governing Body. The Lehman Township Board of Supervisors, Pike County, Pennsylvania.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government purpose, and which is not owned by Lehman Township. The term includes uses listed separately in the table of uses in Chapter 3, such as "publicly owned recreation." This term does not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for less than seven individuals where special care is needed by the persons served due to handicap, age, emotional, mental, development, or physical disability. This definition includes facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act, as amended. Group homes must be licensed where required by any appropriate government agency, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.

B. The Township intends to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.

C. A group home may not include a "treatment Center".

D. A group home of seven or more individuals where special care is needed by the persons served due to handicap, age, emotional, mental, development, or physical disability shall constitute an "Institutional Group Home".

Handicap. A person who: a) has a physical or mental impairment which substantially limits one or more of such person's major life activities; b) has a record of having such an impairment; or c) is 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 Section 802 of Title 21. This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

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 materials which are included on the latest edition of one of the following lists:

A. "Hazardous Substances" as defined pursuant to Section 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 and that are stored or used in quantities above the threshold reportable limits in such regulations.

Heavy Industrial. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or

manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term does not include any industrial or manufacturing use that is specifically designated as a separate use under the Use Table in Chapter 3 of this Ordinance.

Height. The vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. In addition to meeting the maximum height along the front of the building, the maximum height shall also be met along one side or the rear of the building. If this requirement is met, then a maximum of one more story may be exposed in the rear of the building compared to the number of stories allowed in the front of the building. For a building with a defined and pitched roof, 20 percent of the ground area covered by the building may exceed the maximum height to provide for the roof peak, provided such area above the maximum height is not occupied by persons.

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any seven-day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Hemp. The plant cannabis sativa L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry-weight basis. The term includes industrial hemp.

Home Occupation. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit, which, when permitted, does not alter the residential characteristics of the neighborhood. The inability of the proposed use to meet the space limitations or the other requirements for a Home Occupation shall conclusively establish that such use was not intended to be a Home Occupation as defined herein. The term does not include a no-impact home based business.

Hookah. A tobacco pipe with a long, flexible tube that draws the smoke through water contained in a bowl.

Hookah Lounge. An establishment where patrons share from a communal hookah which is placed at each table. The term also includes a place where vapes or smoking occurs on premises for a business purpose.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Medical Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but may not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felon. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for

periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such uses are accessory and not the principal use of the property.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which involves no building except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Industrial District. The I Industrial zoning district.

Industrial Hemp Production. The making or manufacturing of hemp into a product, including food (such as oil, supplement, birdseed, protein flour etc.), fibers (such as textiles, clothes, shoes), fuel, industrial textiles and products (such as rope, nets, carpet, tarps, paper, building materials etc.), and personal care products (such as soap, beauty products etc.). The term includes the grinding of hemp into flour; the pressing of hemp into seed oil for the manufacturing of products such as personal care products; the taking of the fiber strings running the length of the hemp stalk for the manufacturing of such things as clothing, paper, and other applications; and the taking of the core of the stalk, the inner hurd, a soft cellulose vein running the length of the plant to manufacture such things as insulation and paper. This term does not include the growing, harvesting and processing (cutting, drying, shredding, or packaging) of the hemp plant.

Industrial Shredding. A facility consisting of a heavy-duty machine or piece of equipment used as a high-volume system to reduce the size of a given material for recycling, re-use, or re-introduction into the manufacturing process, including the shredding of motor vehicles.

Institutional Group Home. A use that meets the definition of a group home but that includes a higher number of residents than is permitted as a group home (being seven or more persons).

Impervious Coverage. The percentage of the lot area covered by man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with this Ordinance, any compacted stone surfaces used for vehicle parking and movement shall be impervious coverage.

Invasive Plant Species of Pennsylvania. Plants that displace naturally occurring native vegetation and, in the process, upset nature's balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are:

A. Trees: *Acer platanoides*, commonly known as Norway Maple; *Acer pseudoplatanus* commonly known as Sycamore Maple; *Allanthus altissima* commonly known as Tree-of-Heaven; *Elaeagnus angustifolia* commonly known as Russian Olive; *Populus Alba* commonly known as White Poplar; *Ulmus pumila* commonly known as Siberian Elm; *Viburnum lantana* commonly known as Wayfaring Tree.

B. Shrubs, vines and groundcovers: *Alliaria petiolata* commonly known as Garlic Mustard; *Berberis thunbergii*, commonly known as Japanese Barberry; *Cannabis sativa* commonly known as Marijuana; *Carduus nutans* commonly known as Nodding Thistle; *Cirsium arvense* commonly known as Canadian Thistle; *Cirsium vulgare* commonly known as Bull Thistle; *Datura stramonium* commonly known as Jimsonweed; *Elaeagnus umbellata*, Autumn Olive; *Euonymus alatus*, commonly known as Winged Euonymus; *Galega officinalis* commonly known as Goatsrue; *Heracleum mantegazzianum* commonly known as Giant Hogweed; *Ligustrum vulgare*, commonly known as European Privet; *Lonicera japonica*, commonly known as Japanese Honeysuckle; *Lonicera maackii*, commonly known as Amur Honeysuckle; *Lonicera morrowii*, commonly known as Morrow's Honeysuckle; *Lonicera tatarica*, commonly known as Tartarian Honeysuckle; *Lonicera x-bella*, commonly known as Hybrid Honeysuckle; *Lythrum salicaria*, commonly known as Purple Loosestrife (herbaceous); *Microstegium vimineum* commonly known as Japanese Stiltgrass; *Morus Alba*, commonly known as White Mulberry; *Morus rubra*, commonly known as Red Mulberry; *Phyllostachys*, commonly known as aubea Bamboo; *Polygonum perfoliatum* commonly known as Mile-A-Minute Vine; *Pueraria lobata* commonly known as Kudzu-vine; *Rhamnus cathartica*, commonly known as Common Buckthorn; *Rhamnus frangula*, commonly known as Glossy Buckthorn; *Rosa multiflora*, commonly known as Multiflora Rose; *Sorghum bicolor* commonly known as Shattercane; *Sorghum halepense* commonly known as Johnson Grass; and *Viburnum opulus*, commonly known as European Highbush Cranberry.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment containers and building material. Junk does not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal; b) toxic substances; c) yard waste; or d) items clearly awaiting imminent recycling at an appropriate location.

Junk Vehicle. Includes any vehicle or trailer that: a) cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs; b) cannot be towed, in regards to a trailer designed to be towed; c) has been demolished beyond repair; d) has been separated from its axles, engine, body or chassis; or d) includes only the axle, engine, body parts or chassis, separated from the remainder of the vehicle. See also the definition of "unregistered vehicle."

Junkyard. Land or a structure used for the collection, storage, dismantling, processing or sale, other than within a completely enclosed building, or material of one or more of the following types: a) junk covering more than two percent of the lot area; b) two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling or public street; c) one or more mobile or manufactured homes that are not in a habitable condition; or d) junk stored within a completely enclosed building for business purposes shall be considered a warehouse. A junkyard includes a metal scrap yard or auto salvage yard. A junkyard does not include storage of vehicles as part of an auto repair garage.

Kennel. The keeping of a greater number of dogs or cats than are permitted under the "Keeping of Pets" provisions of this Ordinance. A kennel may also serve other animals.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase, or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Light Industrial. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The term does not include any industrial use that is designated as a separate use under the Use Table in Chapter 3 of this Ordinance.

Livestock or Poultry, Raising of. The raising and keeping of livestock, horses, poultry or insects for any commercial purposes or keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of this Ordinance and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock may not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Livestock or Poultry, Intensive Raising of. The raising of livestock or poultry involving: a) an average of two or more "animal equivalent units" (based upon State Nutrient Management Regulation definitions) of live weight per acre of livestock or poultry, on an annualized basis on a lot; or b) 300 or more animal equivalent units on one lot, regardless of acreage.

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. A "lot" may coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on two or more intersecting streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following are excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys, or 2) any proposed or existing commonly maintained private streets that serve more than one lot. Other Sections of this Ordinance, such as lot averaging, may specifically permit proposed streets to be included in determining density for a specific use.
- B. Areas that are currently or will be required to be dedicated as common open space on a separate lot. Other Sections of this Ordinance, such as lot averaging, may specifically permit proposed streets to be included in determining density for a specific use.

- C. Features required to be excluded from "Lot Area" under Section 708 of the Subdivision and Land Development Ordinance or this Ordinance.

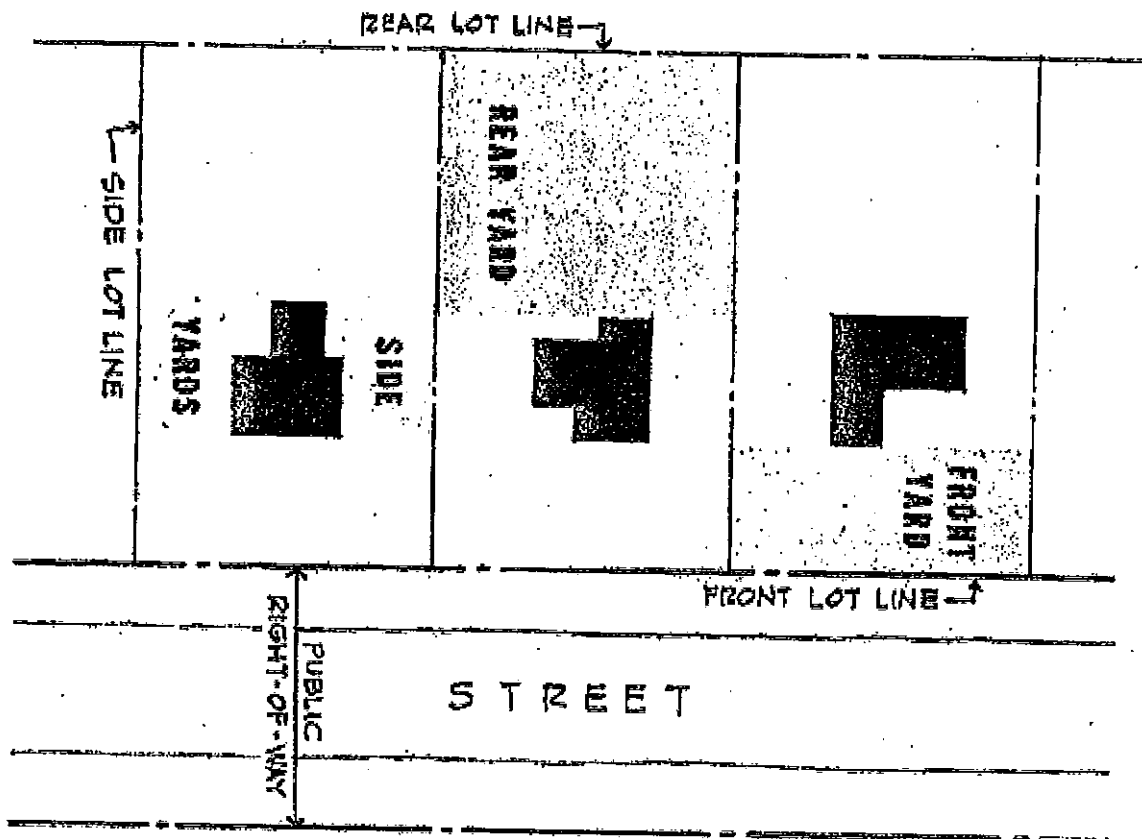
Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be the street right-of-way line that will exist at the time of completion of a subdivision or development.

A. Frontline Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way.

B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.

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

See illustrated types of lot lines:



Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped-lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. An establishment that meets the following criteria:

- A. Massages are conducted involving one person using their hands or a mechanical device on another person, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that required substantial professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club, high school, or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Medical Marijuana. Marijuana for certified medical use under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016. For purposes of this Ordinance the term includes hemp.

Medical Marijuana Academic Clinical Research Center. An accredited medical school that operates or partners with an acute care hospital licensed under Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016, as amended.

Medical Marijuana Delivery Vehicle Office. Any facility used to store delivery vehicles for supplying marijuana plants or seeds to a grower and processor facility or a medical marijuana dispensary.

Medical Marijuana Dispensary. A person, which holds a permit issued by the DOH to dispense medical marijuana.

Medical Marijuana Facility. A medical marijuana dispensary or a grower and processor of medical marijuana. The term includes a structure, building or land used to store trucks or delivery vehicles for transporting marijuana plants, seeds or other raw materials, or transporting waste generated from a medical marijuana facility for disposal to a facility authorized in the Commonwealth of Pennsylvania to accept such waste. Incidental storage, management and disposal of solid and liquid waste byproducts or remnants generated during the growing and processing of medical marijuana, but not part of the final product, is permitted as part of the facility.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

A. This use may not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that district and the requirements of that use are also met.

B. See also "After Hours Club" and "Hunting and Fishing Clubs."

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction may not by itself be mineral extraction. The term excludes ground water or spring water withdrawals or oil or gas operations.

Mobile Food Facility. A mobile vehicle which is used to sell or offer to sell prepackaged food or prepared food and having a stationary location on land at any given time. The term includes food trucks, mobile vehicles, vending, or pushcarts, which is used to sell or offer to sell food or beverage products.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/ Manufactured Home Park. A lot under single ownership which includes two or more mobile or manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes and may not be a "Mobile Home Park".

Model Houses. Any structure erected for use as a display to promote the sale of similar residential structures, also utilized on a temporary basis as a sales office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. Such use is permitted only pursuant to Conditional Use. A dwelling unit built "on spec" that is for sale and open for inspection by potential purchases that does not contain a sales or administrative office is not a Model House.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipal or Municipality. Lehman Township, Pike County, Pennsylvania, unless the context clearly indicates otherwise such as establishing zoning districts among municipal boundaries.

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

Natural Gas Processing Plant. A facility that receives natural gas and associated hydrocarbons from a gathering line system serving one or more well sites that compresses, condenses, pressurizes or otherwise treats natural gas and which removes or separates materials such as ethane, propane, butane, and other constituents or similar substances from natural gas allows such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, including cooling facilities, storage tanks and related equipment and facilities.

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 the residential use.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of the Ordinance or applicable amendment. Such nonconforming structures include but are not limited to signs.

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, where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendments. A use granted by variance is not a nonconforming use.

Nursing Home. A facility licensed by the State for the housing and intermediate of fully skilled nursing care of three or more persons.

Occupied. Includes a building, structure or land being used or intended, arranged, or designed to be used by a person.

Occupied Building. A structure where a person lives or works or a place where people publicly gather.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use does not include retail or industrial uses, but may include business offices, medical offices, laboratories, photographic studios and television or radio broadcasting studios.

Oil and Gas Operation. A use that involves: a) ancillary facility of oil or gas development; b) oil or gas compressor station; c) hydraulic fracturing water withdrawal facility; d) hydraulic fracturing water treatment facility; e) oil or gas development; f) oil or gas metering stations; g) oil or gas pipelines not located in a public-right-of-way; h) oil or gas processing facility; i) oil or gas staging facility; j) oil or gas water reuse storage facility; k) oil or gas well; l) oil or gas well site; m) oil or gas well pad; n) fresh water impoundment; or o) wastewater impoundments.

Oil and Gas Compressor. A device used alone or in series to raise the pressure of oil or natural gas or by-products to create pressure differential to move or to compress liquid, vapor, or gas.

Oil and Gas Compressor Station. A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells and to operate as an upstream or midstream facility for delivery of oil and gas to transmission pipeline, distribution pipeline, natural gas processing or treatment facility or underground storage field.

Open Space, Common or Preserved. A parcel or parcels of land within a tract which meets the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;
- C. Will be deeded to the Township or deed restricted to permanently prevent uses of land other than "common/preserved open space" and non-commercial recreation or a golf course; and
- D. Does not use any of the following areas to meet minimum open space requirements:
 - 1) Existing street rights-of-way;
 - 2) Vehicle streets or driveways providing access to other lots;
 - 3) Land beneath buildings or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approval by the Township for agricultural preservation);
 - 4) Off-street parking (other than that clearly intended for noncommercial recreation);
 - 5) Areas needed to meet a requirement for an individual lot;
 - 6) For land intended to be open to the public, that does not have provisions for entry with a 20-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street;

- 7) Land that includes a stormwater detention basin, except for a basin or portion of a basin that the Applicant proves to the satisfaction of the Board of Supervisors would be reasonable, safe, and useful for active or passive recreation during the majority of weather conditions; or
- 8) Portions of land that have a width of less than 40 feet.

Ordinance, This. The Lehman Township Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Wood Fired Burner. A fuel burning device: a) designed to burn wood or other approved solid fuels; b) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and c) heats building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

PA. The Commonwealth of Pennsylvania.

Parking. Off-street parking and aisles for vehicle movement unless otherwise stated.

Participating Landowner. Person upon whose property all or a portion of a windfarm for electricity generating not as an accessory use is located pursuant to an agreement with the facility owner or operator. It may also include any landowner having signed a lease, easement or waiver with the owner or operator of a windfarm for electricity generating.

Patient. An individual who a) has a serious medical condition; b) has met the requirements for certification under the Pennsylvania Medical Marijuana Act; and c) is a resident of this Commonwealth of Pennsylvania.

Pawn Shop. A commercial use that is regulated as a pawn shop by the Pennsylvania Department of Banking.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its sub-departments.

Permitted by Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the zoning Ordinance. A "nonconforming use" may not be a permitted by right use, a special exception use, or a conditional use.

Person. Includes a corporation, firm, company, partnership, trust, organization, association, sole proprietorship or individual, and an owner, landowner, developer, Applicant and operator.

Personal Care Home or Center. A premise in which food, shelter and personal assistance or supervision (but necessarily medical staff) are provided at all times in case of an emergency, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in activities of daily living such as housekeeping and laundry, medication management, shopping and meal preparation, using the telephone, making appointments, eating, toileting, personal hygiene, and bathing. Although a nursing home provides many of the same assistance as a personal care home, seniors needs in a personal care home do not meet the higher level of services provided in a nursing home. Personal care homes are licensed by DHS.

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses." As herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. Pets shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. The term does not include a farm animal.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious or spiritual worship and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."

Planned Unit Development (PUD) or Planned Community. Real estate with respect to which a person, by virtue of ownership of an interest in any portion of the real estate, is or may become obligated by covenant, easement or agreement imposed on the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the person. The term excludes a cooperative and a condominium, but a condominium or cooperative may be part of a planned community. For purposes of this definition, "ownership" includes holding a leasehold interest of more than 20 years, including renewal options, in real estate. The term includes nonresidential campground communities.

Planned Unit Development or Planned Community (PUD) Amenities. Something that helps to provide comfort, convenience, or enjoyment for residents within a Planned Unit Development or Planned Community limited to:

- A. Parks, pavilions, basketball, baseball or tennis courts, and green spaces.
- B. Paved trails for walking, jogging, biking, or hiking.

C. Community or village centers or clubhouses consisting of retail stores, restaurants, cafes, and indoor recreation activities for gathering and socializing.

D. Convenience or grocery stores.

E. Outdoor or indoor, resort-style pools and spas.

F. Exercise rooms and equipment.

G. Natural (unpaved) trail systems for hiking and walking.

H. Ski slopes, golf courses, and miniature golf.

I. Indoor or outdoor theatres.

The term also includes community support buildings limited to guard stations, bus stops, and parking lots. This term does not include maintenance facilities or storage sheds. See Maintenance Facilities for Residential Community Associations under Commercial Use, Section 306 Use Table.

Planning Commission. The Lehman Township Planning Commission, except when the reference is to the County Planning Commission, then it shall be the Pike County Planning Commission.

Portable Sign. A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.

Portable Storage Containers (POD). Includes portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

Principal Building. A "Principal Structure" which is also a "building."

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. A dominant use or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the 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.

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public limited to playgrounds or parks. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Receiving Property. A lot that is approved to permit a higher density than would otherwise be permitted as a condition of restriction of development on Sending Property.

Recreation. The offering of leisure-time activities to unrelated persons. This term may not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

A. Indoor Recreation. A type "recreation" use that: a) does not meet the definition of outdoor recreation, and b) is used principally for active or passive recreation, such as bowling, roller skating, ice skating, commercial batting practice and other similar uses. This term may not include any use listed separately as a distinct use under this Ordinance.

B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15 percent, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and other similar uses. This term does not include any use listed separately as a distinct use under Section 306 of this Ordinance, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term may not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term may not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses that are very similar in nature: garage (household), carport, tennis court, garage sale, basketball backboard, household swimming pool, gazebo, storage shed, greenhouse,

children's playhouse or children's play equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling.

Residential District(s). The CO (Conservation), R (Rural), LDR (Low Density Residential), and R/MDR (Resort/Medium Density Residential) zoning districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use; or b) is undeveloped and zoned as a Residential zoning district.

Resort. A fully coordinated development involving dining and indoor and outdoor recreational facilities offered to the public on a single lot, and which may include lodging, and which involves all uses being developed as part of a coordinated development plan. A resort shall meet the "resort" requirements of this Ordinance, which allows certain additional uses.

Restaurant.

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

B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or "nightclub" as applicable must be met.

C. See "Drive-Through Service" in this Section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto services station, auto repair garage, convenience store or any restaurant. This term does not include any use listed separately as a distinct use under Section 306 of this Ordinance, such as a firearms target range.

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

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities, the public or others. The term "Right-of-Way" by itself shall mean the street right-of-way unless another meaning is otherwise stated or clearly implied from the context in which it is used.

A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

- B. See also "Future Right-of-way in the Township Subdivision and Land Development Ordinance.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of five and 19 that primarily provides State-required or largely State funded educational programs. This term may not include "Trade Schools" or "Day Care Centers".

Screening. Year-round plant material of substantial height and density designed to provide a buffer.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property. Recreational vehicles, boats and boat trailers may be stored within a Self-Storage Development. Recreational Vehicles may not be occupied while in storage within a Self-Storage Development.

Sending Property. A lot or portion of a lot that is restricted by a Conservation Easement or farmland preservation easement as a condition of approval of a higher density on the "Receiving Property" than would otherwise be permitted.

Serious Medical Condition. Any of the following (which may be changed from time to time by state law, rule, or regulation):

- A. Amyotrophic Lateral Sclerosis.
- B. Anxiety disorders.
- C. Autism.
- D. Cancer.
- E. Crohn's Disease.
- F. Dyskinetic Disorders.
- G. Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.
- H. Epilepsy.
- I. Glaucoma.
- J. HIV or AIDS.

K. Huntington's Disease.

L. Inflammatory Bowel Disease.

M. Intractable Seizures.

N. Multiple Sclerosis.

O. Neurodegenerative Disorders.

P. Neuropathies.

Q. Opioid Use Disorder.

R. Parkinson's Disease.

S. Post-traumatic Stress Disorder.

T. Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.

U. Sickle Cell Anemia.

V. Terminal Illness.

W. Tourette syndrome.

Setback Line. A line separating a “yard” from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary Sewage Service to a building by a Township-approved sewage collection and disposal system that serves five or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary Sewage Service to a building that does not meet the definition of Central Sewage Service such as an individual on-lot septic system.

Sewage Service, Public. Central Sanitary Sewage service by a system owned or operated by a municipality or municipal authority.

Short-term Home Rental. Any dwelling unit rented for the purpose of overnight lodging for a period of not less than one day and not more than 60 days on more than one occasion to someone other than a family member of the landowner.

Smoke Shop. A store predominately or principally selling tobacco products such as cigars, cigarettes, and chewing tobacco and accessory tobacco products. The term includes vapes.

Sight Triangle. An area required to be kept free of certain visual obstruction to traffic.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, device or representations. This term may not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including any structural supports that do not contain lettering, wording, numerals, designs or symbols. Signs may contain several signs provided they share the same structure or structural supports with the total sign area being the area of a common geometric form that could encompass all signs. The area for a sign either attached or painted on a wall or building is the smallest rectangle that includes the letters, words, numbers, designs, and symbols.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnership or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solar Array. A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Cell. The smallest basic solar electric device which generates electricity when exposed to light.

Solar Easement. A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy Development Area. The total area of a major energy system that encompasses the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters, and any other supporting equipment. This area shall also include all access drives providing access to a public road, buffer yards or screening, utilities, and stormwater management facilities.

Solar Energy Fenced Area. The total area of the solar energy development area that encompasses all of the principal and accessory structures that are part of the solar energy system, as well as all substations, inverters and any other supporting equipment that are enclosed by the required fencing. This area shall not include any access drives providing access to a public road, buffer

yards/screening, utilities or stormwater management facilities located outside of the required fencing.

Solar Module. A grouping of solar cells with the purpose of harvesting solar energy.

Solar Panel. That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating or electricity.

Solar Related Equipment. Includes items such as a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may involve the separation of recyclables from solid waste. Such facility may not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. The use will find classification under the heading "S" for the zoning district in which the property is located.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "Adult Use."

State. The Commonwealth of Pennsylvania and its agencies.

Story (and Half-Story). A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of six and a half feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an

average vertical clearance from floor to ceiling of less than six and a half feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to three or more lots or that is an expressway, but not including an alley or a driveway. The term "street", "highway" and "road" have the same meaning and are used interchangeable.

Street Classification. The Township Subdivision and Land Development Ordinance includes descriptions of different types of streets. The street classifications include:

- A. Arterial Street. A street designed to carry large volumes of through-traffic for the connection of residential areas and for circulation outside residential areas. Access onto these streets is normally controlled by stop signs restricting on-coming traffic and traffic signals.
- B. Collector Street. A street designed to carry moderate volumes of traffic between local streets and arterial streets, and usually provides only limited vehicular access to abutting properties. Traffic on these streets is normally controlled by signs.
- C. Local Street. A street designed to carry low volumes of traffic and provide direct access from abutting properties to collector and arterial streets.

Structure. Any man-made object having a stationary location on, below or in land or water, whether affixed to the land, or not. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for a specific type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, paving and septic systems shall not be subject to minimum zoning setback requirements unless stated otherwise. Also for the purpose of this ordinance, boat houses shall not be subject to minimum zoning setback requirements in relation to wetlands or water.

Subdivision. The definition in the Township Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Lehman Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 24 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. The term includes ornamental ponds or wading pools.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

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

Timber Harvesting or Logging. The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. For the purposes of timber harvesting, the following terms shall have the following meanings:

- A. Basal Area. The area in square feet per acre occupied by tree stems four and a half feet above the ground. Normally measured by a calibrated prism or angle gauge.
- B. Best Management Practices. Universally accepted activities that have a positive effect or minimize a negative effect on the forest ecosystem. They provide minimum acceptable standards for good forest management. Examples of such practices may be found in the publication entitled, "Best Management Practices for Pennsylvania Forest", published by Penn State University, College of Agricultural Sciences, dated 1996.
- C. Felling. The act of cutting a standing tree so that it falls to the ground.
- D. Forest Technician. A person who has a two-year degree in forestry from a school of forestry associated with or accredited by the Society of American Foresters or who has demonstrated proper experience in forestry to the Board of Supervisors.
- E. Landing. A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.
- F. Litter. Discarded items not naturally occurring on the site such as tires, oil cans, garbage, equipment parts, and other rubbish.
- G. Lop. To cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- H. Non-commercial Timber Stand Improvement. A forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- I. Professional Forester. A person who has a B.S. or higher degree in forestry from a four-year school of forestry associated with or accredited by the Society of American Foresters.
- J. Skidding. Dragging trees on the ground from the stump to the landing by any means.
- K. Slash. Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.

- L. Stand. Any area of forest vegetation whose site conditions, past-history and current species composition are sufficiently uniform to be managed as a unit.
- M. Timber Operator. An individual, partnership, company, firm association, corporation or other entity engaged in timbering harvesting, including the agents, subcontractors and employees thereof.
- N. Top. The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

Tire Storage, Bulk. The storage of more than 150 used tires on a lot. See also "Outdoor Storage".

Townhouse. See "Dwelling Types."

Township. Lehman Township, Pike County, Pennsylvania

Tract. The entire plot or parcel of land or one or more plots or parcels of land to be subdivided or developed in whole or in part.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

Tradesperson. A person involved with building trades, such as plumbing, electrical work, building construction, building remodeling, and roofing.

Transfer of Development Rights. An optional process authorized under this Ordinance that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving their land, based upon an agreement negotiated and accepted by both parties.

Treatment Center. A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment or counseling because of:

- A. Criminal rehabilitation, such as a criminal halfway house;
- B. Current addiction to a controlled substance that was used in an illegal manner or alcohol; or
- C. A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit; b) is necessary to provide needed care and supervision to such relative; and c) meets the requirements for such use.

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 may not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also may not include a motor vehicle displaying a license and inspection sticker that have each expired less than 90 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include the following: a) activity within a structure; b) activity outside of a structure; or c) any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structure in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. A variance shall only be granted within the limitations of the PA. Municipalities Planning Code.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

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

Water Service, Central. Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as an individual on-lot well.

Water Service, Public. Central water service by a system owned or operated by a municipality or a municipal authority.

Wetlands. An area of land or water meeting one or more definitions of a "wetland" under Federal or Pennsylvania laws or regulations.

Yard. An area not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback.

Each required yard shall be measured inward from the abutting "lot line," existing street right-of-way or setback required from a street, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards. For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way or easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback". A "yard" measured a distance from and running parallel to the front lot line, street right-of-way line or required setback by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. Along a corner lot, if a lot abuts two streets, a front yard is required along both streets. If a lot abuts two streets but is not a corner lot, the front yard shall be whichever side is the predominant front yard for neighboring properties.
- B. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- C. Every lot shall include at least one front lot line.

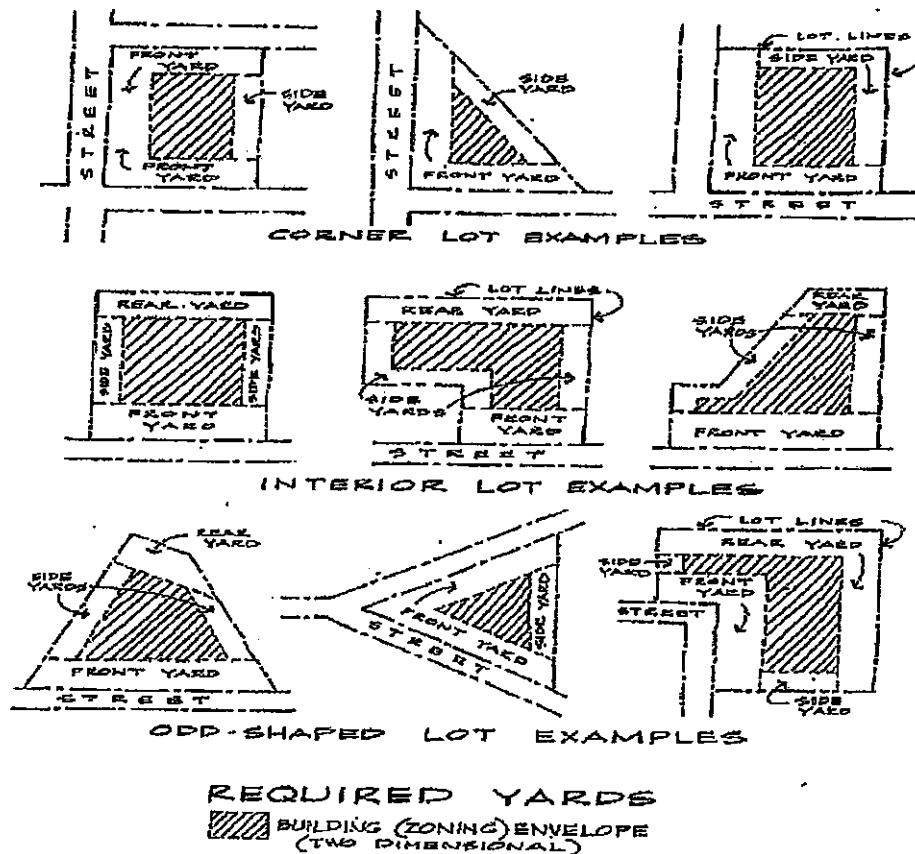
Yard, Rear or "Rear Setback".

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building may not extend into the required rear yard setback for a principal building, and an accessory structure may not extend into the required rear yard for an accessory structure, except as provided in the Ordinance.
- C. Every lot shall include at least one rear lot line and a rear yard. For a corner lot, the lot line that is opposite the shorter of the two front lot lines shall be considered the rear lot line.

Yard, Side or "Side Setback".

- A. A "yard" which established the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. A triangular lot shall include one side yard. All other lots shall include at least two side yards, except for a corner lot.

See examples of required yards (on next page):



Zoning Map. The Official Zoning Map of the Lehman Township, Pike County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Lehman Township Zoning Ordinance, as amended.

CHAPTER 3
ZONING DISTRICT REGULATIONS

SECTION 301. DESIGNATION OF DISTRICTS AND PURPOSES.

301.A. Zoning districts. For the purpose of this Ordinance, Lehman Township is hereby divided into the follow zoning districts, with the following abbreviations:

CO	Conservation District
R	Rural District
LDR	Low Density Residential District
R/MDR	Resort/Medium Density Residential District
VC	Village Commercial District
VCO	Village Commercial Overlay District
GC	General Commercial District
I	Industrial District
MXD	Mixed Use Residential Overlay District

301.B. Official Zoning Map. For the purposes of this Ordinance, the zoning districts in Section 301(A) shall be of the number, size, shape and location as shown or as overlaid on the "Official Zoning Map".

301.C. Overlay Districts.

1. VCO Village Commercial Overlay District. To serve the same purposes as the VC District. In addition, to provide an option of developing under the standards of the R District. The VCO Village Commercial Overlay District serve as an overlay to the R District. Within the VCO District, an Applicant shall have the option of developing under the VCO or the R district.

2. Mixed Use Residential Overlay District. The purpose of this overlay district is to: a) encourage conservation-oriented design in order to preserve open space and minimize sprawl; b) minimize environmental degradation; development that avoids overwhelming local schools and municipal services; and c) encourage commercial development in areas accessible to residents without encroaching on residential areas of the Township. The MXD district shall serve as an overlay to the Rural, Low Density Residential, Resort Medium Density Residential and Village Commercial districts. Within the MXD district, an Applicant shall have the option of developing under the Rural, Low Density Residential, Resort Medium Density Residential and Village Commercial districts or the MXD district, as may be provided for.

3. Floodplain Area. The floodplain area under Chapter 5 shall serve as an overlay district to the applicable underlying district. See Lehman Township Floodplain Ordinance.

301.D. Purposes of Each Zoning district. In addition to serving the overall purposes and objectives of this Ordinance and the Township Comprehensive Plan, each non-overlay zoning district is intended to serve the following purposes:

1. CO Conservation District – To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To protect the water quality and habitats along the Delaware River and creeks and promote groundwater recharge.

2. R Rural District – To provide for low intensity development in areas that include significant important natural features, such as wetlands, flood-prone lands and steeply sloped areas. To protect the water quality and habitats along creeks and promote groundwater recharge. To recognize that certain of these areas do not have road access adequate for intense development. To provide a certain amount of flexibility in lot layout through lot averaging so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overlay intense development. To provide incentives for the permanent preservation of substantial areas of land in public, semi-public or public or private ownership. To provide for and promote the continuation of existing camps, campgrounds, sportsmen's clubs and other private recreation activities.

3. LDR Low Density Residential District – To provide for low density residential neighborhoods that are primarily composed of single-family detached dwellings. To protect these areas from incompatible uses.

4. R/MDR Resort/Medium Density Residential District – To provide for medium density residential neighborhoods and resort communities with a mix of housing types and a variety of recreational uses. To protect these areas from incompatible uses.

5. VC Village Commercial District – To preserve the historic and scenic rural character of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic and scenic rural character, and most likely to cause conflicts with homes. To primarily provide for smaller scale uses that will not be obtrusive in the landscape and that will not overload curvy sloped roads. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

6. GC General Commercial District – To provide for a variety of commercial uses in areas that have better road access and are not near significant numbers of homes. To provide for a wider range of commercial uses than the VC district, including uses that are more auto related (such as car washes and gas stations). To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

7. I Industrial District – To provide for industrial and office development in a manner that is compatible with any nearby homes and the surrounding environment. To

carefully control the types of industrial operations to avoid nuisances and environmental hazards. To encourage coordinated development, particularly traffic access. To recognize that the road system of Lehman Township is only suitable for types of industries that do not generate large of heavy truck traffic.

SECTION 302. APPLICATION OF DISTRICT REGULATIONS.

302.A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure, building or land, except as provided for in this Ordinance.

302.B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered, placed, moved, or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.

302.C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

302.D. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the R zoning district of Lehman Township until or unless such territory is otherwise classified by the Board of Supervisors.

SECTION 303. ZONING MAP.

303.A. Adoption of Zoning Map. A map entitled "Lehman Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which bears the adoption date revised May of 2004 and the words "Draft Zoning Map," shall be retained in the Township Building.

303.B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

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

SECTION 304. DISTRICT BOUNDARIES. The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Official Zoning Map:

304.A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or

plan of record in the Pike County Recorder of Deeds' Office at the time of the adoption of this Ordinance, unless such district boundary lines are fixed by dimension as shown on the Official Zoning Map.

304.B. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the scale appearing on the Zoning Map unless indicated otherwise by dimensions.

304.C. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal uses are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

304.D. When a lot is contained within more than one zoning district, any use is required to comply with all applicable design standards upon that portion of the lot within the zoning district in which the use is permitted. However, if a zoning district boundary line divides a lot placing at least 80 percent of the lot area in a specific zoning district, the location of such district boundary line may be construed to include the remaining 25 percent or less of the lot so divided.

304.E. When the Zoning Officer is unable to determine the location of a zoning district, a person must appeal to the Zoning Hearing Board for a decision on the location of the zoning district. However, if the Zoning Officer determines the location of a zoning district applying the guidelines under this Section, any aggrieved person may file an appeal with the Zoning Hearing Board for a decision on whether the Zoning Officer's determination of the location of the zoning district is correct. In doing so, the Zoning Hearing Board shall either affirm or reverse the determination of the Zoning Officer in deciding the proper location of the zoning district at issue.

SECTION 305. SETBACKS ACROSS MUNICIPAL BOUNDARIES.

305.A. The intent is to continue the objective of compatible land uses across municipal boundaries.

305.B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Lehman Township regardless of whether such abutting existing dwelling or principally residential zoning district is in an abutting municipality or in Lehman Township.

SECTION 306. TABLE OF ALLOWED USED IN EACH ZONING DISTRICT. The following table classifies all uses within the zoning district noted ("Use Table"):

SYMBOL	USE
P	Permitted use
S	Special exception
C	Conditional use
N	Not permitted

Residential Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Single-Family Dwelling without Conservation Design (1 to 2 units)	P	P	P	P	P	P	P	
Single-Family Dwelling without Conservation Design (3 or more units)	C	C	C	C	C	C	C	
Single-Family Dwelling with Conservation Design	N	P	P	P	P	P	P	Section 309
Two-family Dwelling (Twin or Duplex)	N	N	N	P	P	N	N	Section 402
Multi-Family (Apartments or Townhouses)	N	N	N	P	P	N	N	Section 402(GGG)
Manufactured Home	N	N	N	P	N	N	N	Section 402(JJ)
Manufactured Home Community	N	N	N	C	N	N	N	Section 402(KK)
Model Houses	C	C	C	C	N	N	N	Section 311; Section 402(MM)
Resort	N	S	N	S	S	S	N	Section 402(W)
Retirement Community	N	N	P	P	N	N	N	
Rooming or Boarding House	N	N	N	N	S	N	N	Section 402(L)
Short-term Home Rental	N	N	N	N	C	C	N	
Conversion of Building (More Dwelling Units)	N	N	N	S	S	N	N	Section 402(Q)
Commercial Related Residential Uses								
Family Day Care	S	S	N	N	N	N	N	Section 402(D)(4)
Group Day Care	N	N	N	P	P	N	N	Section 402(D)(4)
Group Home	N	P	P	P	N	N	N	Section 402(W)
Home Occupation	S	S	S	S	P	P	P	Section 403(D)(8)
No-Impact Home Based Business	P	P	P	P	P	P	P	Section 403(D)(9)
Portable Storage Containers (PODS) and Dumpsters	P	P	P	P	P	P	P	Section 403(D)(12)(a) and (c)
Accessory Residential Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Antenna Standard (Non-Commercial)	P	P	P	P	P	P	P	Section 403(D)(1)
Composting	P	P	P	P	P	P	P	Section 403(D)(4)
Development Sales Offices	N	C	C	C	C	C	C	Section 402(S)
Fence or Wall	P	P	P	P	P	P	P	Section 403(D)(6)
Garage, Household	P	P	P	P	P	P	P	
Garage Sale	P	P	P	P	P	P	P	Section 403(D)(7)
Keeping of Pets	P	P	P	P	P	P	P	Section 403(D)(11)
Model Houses	N	C	C	C	C	C	C	Section 311 and Section 402(MM)
Parking, Repairs and Vehicles	P	P	P	P	N	N	N	Section 403(D)(13)
PUD, Planned Community or Resort Amenities	C	C	C	C	N	N	N	See Section applicable to the specific type of amenity being proposed.

Accessory Residential Uses	CO	R	LDR	R/MDR	VC/VCO	GC	I	Other Regulations
Portable Storage Container (PODs)	P	P	P	P	P	P	P	Section 403(D)(12)(C)
Outdoor Wood Fired Burner	S	S	S	S	N	N	N	Section 403(D)(19)
Residential Accessory Structures	P	P	P	P	P	P	P	
Solar for Electricity Generating, Accessory	P	P	P	P	P	P	P	Section 403(D)(17)
Storage Shed	P	P	P	P	P	P	P	Section 403(A)
Swimming Pool, Household	P	P	P	P	P	P	P	Section 403(D)(15)
Unit Care for Relatives	P	P	P	P	N	N	N	Section 403(D)(16)
Windmill for Electricity Generating, Accessory	C	C	C	C	C	C	C	Section 403(D)(18)
Commercial Uses	CO	R	LDR	R/MDR	VC/VCO	GC	I	Other Regulations
Adult Use	N	N	N	N	N	N	S	Section 402(A)
After Hours Club (Act 219 of 1990)	N	N	N	N	N	N	N	Section 402(C)
Airport or Heliport (Private)	N	N	N	N	N	C	C	Section 402(D)
Airport or Heliport (public)	N	N	N	N	N	N	C	Section 402(D)
Amusement Arcade	N	N	N	N	P	P	N	
Animal Cemetery	N	N	N	C	P	P	N	Section 402(B)
Auditorium, Arena, Performing Arts Center or Exhibition-Trade Show	N	N	N	C	P	P	N	Section 402(G)
Auto Repair Garage	N	N	N	N	S	S	S	Section 402(I)
Auto Service Station	N	N	N	N	S	S	S	Section 402(J)
Automobile, Boat, Mobile Home, or Manufacturer Home Sales	N	N	N	N	N	S	N	Section 402(H)
Bakery, Retail	N	N	N	N	P	P	P	
Bed and Breakfast	N	S	N	P	P	P	P	Section 402(K)
Betting Use	N	N	N	C	C	C	N	Section 402(BB)
Beverage Distributor, Retail or Wholesale	N	N	N	N	S	P	N	
Bus Terminal	N	N	N	N	P	P	N	
Camp, other than Recreational Vehicle Campground	N	P	P	P	P	P	P	Section 402(M)
Campground Recreational Vehicle	N	N	N	N	N	P	P	Section 402(M)
Car Wash	N	N	N	N	N	P	N	Section 402(N)
Catering, Custom, for Off-Site Consumption	N	N	N	N	P	P	N	
Cemetery	P	P	P	P	P	P	P	Section 402(O)
Check Cashing Business	N	N	N	N	N	P	N	
College or University-Educational and Support Buildings other than Environmental Education Center	N	N	N	N	P	P	N	

Commercial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Communication Facility, Small Wireless	N	S	N	S	S	S	P	Section 402(P)(3)
Communication Tower/Antennae, Commercial	N	S	N	S	S	S	S	Section 402(P)(2)
Communication Tower/Antennae, Commercial, Accessory	N	P	N	P	P	P	P	Section 402(P)(1)
Community Center or Library	N	P	P	P	P	P	N	
Conference Center	N	N	N	P	P	P	N	
Construction Company or Tradesperson's Headquarters	N	N	N	N	S	P	P	
Crafts or Artisan Studios	N	N	N	P	P	P	P	
Crematorium	N	N	N	N	N	S	P	
Cultural Center or Museum	S	N	N	P	P	P	N	
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	N	N	N	N	P	P	P	
Day Care Center, Adult	N	N	N	P	P	P	P	Section 402(B)
Day Care Center, Child	N	N	N	P	P	P	P	Section 402(R)
Drive-Thru or Drive-In Principal Use (Retail Sales only)	N	N	N	N	C	P	P	Section 403(D)(5)
Emergency Service Station	N	S	S	S	S	S	S	
Exercise Club	N	N	N	P	P	P	P	
Fairgrounds	N	N	N	N	C	C	C	
Fiber Optic Switch Facility	N	N	N	N	C	C	C	Section 402(T)
Financial Institution or Bank	N	N	N	N	P	P	P	
Flea Market/Auction House	N	N	N	N	C	C	C	
Funeral Home	N	N	N	N	P	P	N	
Gas Station	N	N	N	N	S	S	S	Section 402(J)
Golf Course	N	P	P	P	P	P	P	Section 402(U)
Greenhouse or Garden Center, Retail	N	N	N	N	P	P	P	
Hookah Lounge or Smoke Shop with Smoking Room	N	N	N	N	N	P	N	
Hospital	N	N	N	N	C	C	P	
Hotel or Motel	N	N	N	P	P	P	N	Section 402(Y)
Hunting or Fishing Club	P	P	P	P	P	P	P	
Institutional Group Home	N	N	N	N	N	N	S	
Kennel	N	N	N	N	N	S	S	Section 402(AA)
Laundromat	N	N	N	N	P	P	P	
Laundromat, Commercial/Industrial	N	N	N	N	N	P	P	
Lumber Yard	N	N	N	N	N	P	P	

Commercial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Maintenance Facilities for Residential Community Associations	C	C	P	C	P	P	P	
Massage Parlor without a Licensed Health Care Professional	N	N	N	N	N	P	N	
Medical Marijuana Academic Clinical Research Center	N	N	N	N	N	P	P	Section 402(GG)
Medical Marijuana Delivery Vehicle Office	N	N	N	N	P	P	P	Section 402(EE)
Medical Marijuana Dispensary	N	N	N	N	N	P	N	Section 402(FF)
Membership Club	N	S	S	P	P	P	P	Section 402(II)
Mobile Food Facility	N	N	N	N	P	P	P	Section 402(LL)
Motor Vehicle Racetrack	N	N	N	N	N	N	C	Section 402(NN)
Nursing Home, Personal Care Home, or Assisted Living Residence	N	N	N	P	P	P	N	Section 402(F)
Office	N	N	N	N	P	P	P	
Parking Lot, Principal Use	C	C	C	C	P	P	P	
Pawn Shop	N	N	N	N	N	P	N	
Personal Services	N	N	N	N	P	P	P	
Picnic Grove, Private	N	S	N	S	P	P	P	Section 402(RR)
Place of Worship	P	P	P	P	P	P	P	Section 402(SS)
Plant Nursery	P	P	P	P	P	P	P	Section 402(TT)
Recreation, Commercial (Indoor)	N	N	N	N	P	P	P	
Recreation, Commercial (Outdoor)	N	N	N	P	P	P	P	Section 402(UU)
Repair Service, Household Appliance	N	N	N	N	P	P	P	
Restaurant or Banquet Hall	N	N	N	N	P	P	N	Section 402(XX)
Restaurant with Drive-Thru	N	N	N	N	N	P	N	Section 402(XX); Section 403(D)(5)
Retail Store	N	N	N	N	P	P	N	
School, Public or Private, Primary or Secondary	N	P	P	P	P	P	P	Section 402(YY)
Self-Storage Development	N	N	N	N	N	S	P	Section 402(ZZ)
Shopping Center	N	N	N	N	P	P	N	
Target Range, Firearms (Indoor and Enclosed)	N	S	N	N	P	P	P	Section 402(EE)
Target Range, Firearms (Outdoor or other)	N	S	N	N	N	N	S	Section 402(EE)
Tattoo or Body Piercing	N	N	N	N	N	P	N	
Tavern, Micro-Brewery or Nightclub	N	N	N	N	S	S	N	
Theatre, Indoor Movie other than Adult Use	N	N	N	S	P	P	N	
Trade or Hobby School	N	N	N	N	P	P	P	
Treatment Center	N	N	N	N	N	N	S	Section 402(HHH)

Commercial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Veterinarian Office	N	N	N	N	P	P	P	Section 402(III)
Wholesale Uses	N	N	N	N	N	P	P	
Accessory Commercial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Bus Shelter	N	N	N	N	P	P	P	
Day Care Center	N	N	N	N	P	P	P	
Drive-in or Drive Thru	N	N	N	N	C	P	P	Section 403(D)(5)
Internal Cafeteria	N	N	N	N	P	P	P	
Outdoor Storage and Display	N	N	N	N	P	P	P	Section 403(D)(10)
Recreational Facilities	N	N	N	N	P	P	P	
Solar for Electricity Generating, Accessory	P	P	P	P	P	P	P	Section 403(D)(17)
Storage Containers for Personal Property	N	N	N	N	N	P	P	Section 403(D)(12)(B)
Storage Shed	P	P	P	P	P	P	P	Section 403(A)
Storage of Fuels On- Site	N	N	N	N	P	P	P	
Windmill for Electricity Generating, Accessory	P	P	P	P	P	P	P	Section 403(D)(18)
Public/Semi-Public Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Essential Services	S	S	S	S	S	S	S	
Government Facility	S	S	S	S	S	S	S	
Prison or Similar Correctional Institute	N	N	N	N	N	N	C	
Publicly Owned and Operated Recreation Park	P	P	P	P	P	P	P	
Public Utility Facility	S	S	S	S	S	S	S	
Swimming Pool, Non- household	P	P	P	P	P	P	P	Section 402
U.S. Postal Service Facility	P	P	P	P	P	P	P	
Industrial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Asphalt, Batch or Concrete Plant	N	N	N	N	N	N	S	
Assembly or Finishing of Products Using Materials Produced Elsewhere	N	N	N	N	N	S	P	
Building Supplies and Materials, Wholesale of	N	N	N	N	N	P	P	
Distribution other than Trucking Terminal	N	N	N	N	N	N	S	
Electricity Generating Plant	N	N	N	N	N	N	S	Section 402(OO)
Heavy Industrial	N	N	N	N	N	N	C	Section 402(DD)
Industrial Equipment, Sales and Service	N	N	N	N	N	P	P	
Industrial Hemp Production	N	N	N	N	N	N	C	
Industrial Shredding	N	N	N	N	N	N	C	
Junk, Outdoor Storage, Display and Solid Waste Disposal	N	N	N	N	N	N	N	

Industrial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Junk Yard	N	N	N	N	N	N	S	Section 402(Z)
Light Industrial								Section 402(DD)
Liquid Fuel Storage, Bulk (for off-site distribution)	N	N	N	N	N	N	S	
Manufacture or Bulk Processing Uses:								Section 402(DD)
Agricultural Chemicals, Fertilizers, or Pesticides	N	N	N	N	N	N	S	
Apparel, Textiles, Shoes, and Apparel Accessories	N	N	N	N	N	S	P	
Cement Manufacture	N	N	N	N	N	N	S	
Ceramic Products	N	N	N	N	N	S	P	
Chemicals, Toxic or Extremely Hazardous	N	N	N	N	N	N	N	
Chemical Products, other than pharmaceuticals	N	N	N	N	N	N	S	
Clay, Brick, Tile and Refractory Products	N	N	N	N	N	N	P	
Computers and Electronic and Microelectronic Products	N	N	N	N	N	S	P	
Electrical Equipment, Appliances and Components	N	N	N	N	N	P	P	
Explosives or Ammunition	N	N	N	N	N	N	S	
Fabricated Metal Products or Machine Shop	N	N	N	N	N	S	S	
Food or Beverage Products for Humans	N	N	N	N	N	N	P	
Food Products for Animals	N	N	N	N	N	N	P	
Gaskets	N	N	N	N	N	N	P	
Glass or Glass Products	N	N	N	N	N	N	P	
Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals, or Offal other than with an approved solid waste facility	N	N	N	N	N	N	C	
Jewelry and Silverware	N	N	N	N	N	N	P	
Leather and Allied Products other than tannery	N	N	N	N	N	N	P	
Machinery	N	N	N	N	N	N	P	
Manufactured or Modular Houses	N	N	N	N	N	N	P	

Industrial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Manufacture or Bulk Processing Uses:								Section 402(DD)
Medical Equipment and Supplies	N	N	N	N	N	P	P	
Metal Products, Primary	N	N	N	N	N	N	S	
Mineral Products, Non-Metallic other than mineral extraction	N	N	N	N	N	N	S	
Paper and Paper Products, including recycling, but not including manufacture of raw paper pulp	N	N	N	N	N	N	P	
Raw Paper Pulp	N	N	N	N	N	N	S	
Paving Materials other than bulk manufacture of asphalt	N	N	N	N	N	N	S	
Pharmaceuticals and Medicines	N	N	N	N	N	N	P	
Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning, Compounds, Soaps, Adhesives, Sealants, Printing, Ink or Photographic Film	N	N	N	N	N	N	S	
Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	N	N	P	
Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	N	N	S	
Scientific, Electronic and other Precision Instruments	N	N	N	N	N	S	P	
Sporting Goods, Toys, Games, Musical Instrument or Signs	N	N	N	N	N	N	P	
Transportation Equipment	N	N	N	N	N	N	P	
Wood Products and Furniture other than raw paper pulp	N	N	N	N	N	S	P	
Mineral Extraction	N	N	N	N	N	S	S	Section 402(HH)
Natural Gas Processing Facility	N	N	N	N	N	N	C	Section 402(OO)
Oil or Gas Operation or Compressor Station	N	N	N	N	N	C	C	Section 402(QQ) and Section 402(PP) (Compressor Station)
Packaging	N	N	N	N	N	P	P	
Packaging Delivery Services Distribution Center	N	N	N	N	N	N	C	

Industrial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Petroleum Refining	N	N	N	N	N	N	S	
Photo Processing, Bulk	N	N	N	N	N	P	P	
Printing or Bookbinding	N	N	N	N	P	P	P	
Recycling Collection Center, Bulk Processing other than solid waste disposal or transfer facility	N	N	N	N	N	S	P	Section 402(VV)
Research and Development, Engineering, or Testing Facility of Laboratory	N	N	N	N	N	P	P	
Sawmill/Planing Mill	N	N	N	N	N	N	P	
Sewage Treatment Plant	P	P	P	P	P	P	P	
Slaughterhouse, Stockyard or Tannery	N	N	N	N	N	N	C	
Solar for Electricity Generating, Principal	N	N	N	N	N	N	C	Section 402(AAA)
Solid Waste Landfill	N	N	N	N	N	N	C	Section 402(BBB)
Solid Waste Transfer Facility or Waste to Energy Facility	N	N	N	N	N	N	C	Section 402(BBB)
Trucking Company Terminal	N	N	N	N	N	N	P	
Truck Stop	N	N	N	N	N	N	C	
Warehousing or Storage	N	N	N	N	P	P	P	
Welding	N	N	N	N	N	P	P	
Wholesales other than motor vehicles	N	N	N	N	N	P	P	
Windfarm for Electricity Generating, Principal	N	N	N	N	N	N	C	Section 402(JJJ)
Accessory Industrial Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Bus Shelter	N	N	N	N	N	N	P	
Day Care Center	N	N	N	N	N	N	P	
Internal Cafeteria	N	N	N	N	N	N	P	
Solar for Electricity Generating, Accessory	P	P	P	P	P	P	P	Section 403(D)(17)
Storage Shed	P	P	P	P	P	P	P	Section 403(A)
Storage of Fuels On-Site	N	N	N	N	N	N	P	
Warehouse and Distribution	N	N	N	N	N	N	P	
Windfarm for Electricity Generating, Accessory	P	P	P	P	P	P	P	Section 403(D)(18)
Agricultural Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Agribusiness	C	C	N	N	N	N	C	Section 402(CC)
Agricultural Equipment Sales and Rentals	N	N	N	N	N	P	P	
Agricultural Operations	C	C	N	N	N	N	C	Section 402(CC) (Raising of Livestock and Poultry)
Agricultural Product and Marketing Sales	P	P	N	N	N	N	P	
Agritourism	C	C	N	N	N	N	C	
Greenhouses, Wholesale	P	P	N	N	N	N	P	

Agricultural Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Groundwater or Spring Water Withdrawal (bottling or processing are separate uses)	C	C	C	C	C	C	C	Section 402(V)
Hemp Grower or Processor	C	C	N	N	N	N	N	Section 402(X)
Keeping of Bees	P	P	N	N	N	N	N	Section 403(D) ()
Keeping of Chickens	P	P	N	N	N	N	P	Section 403(D)(3)
Medical Marijuana Grower and Processor	C	C	N	N	N	N	C	Section 402(GG)
Nature Preserve or Environmental Education Center	P	P	P	P	P	P	P	
Sewage Sludge, Land Application of	S	S	N	S	S	S	S	
Stable, Non-Household	N	P	S	S	S	P	P	Section 402(CCC)
Timber Harvesting or Forestry	P	P	P	P	P	P	P	Section 402(FFF)
Tree Farm or Christmas Tree Farm	P	P	N	N	N	N	P	
Winery	P	P	N	N	N	N	P	
Accessory Agricultural Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Agricultural Related Business	P	P	N	N	N	N	P	
Agricultural Support Occupation	P	P	N	N	N	N	P	
Retail Sales of Agricultural Products	P	P	N	N	N	N	P	Section 403(D)(14)
Other Uses	CO	R	LDR	R/ MDR	VC/ VCO	GC	I	Other Regulations
Uses Not Addressed in this Use Table	N	N	N	N	N	C	C	Section 104
Any Commercial or Industrial Use Permitted by Right that involves the initial or cumulative earth disturbance of 80,000 square feet or more or total floor area of 20,000 square feet or more or a place of public assembly with an occupancy load of 300 or more people	C	C	C	C	C	C	C	

SECTION 307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Section 402 or 403 or another Section of this Ordinance. Except for minimum lot area that is measured in square feet, all other measurements shall be in feet.

Abbreviations:	sq. ft.=square feet	ft.= feet	Min.= minimum	Max.=maximum
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Zoning district	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
1. CO Conservation District	130,680 (3 acres)	60 or 40 on local street	20	60	300	20percent	30percent	35

Zoning district	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
2. R Rural District	87,120 (2 acres)	60 or 40 on local street	15	50	200	15percent	20percent	35

Zoning district	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
3. LDR Low Density Residential								
LDR with On-Lot Sewage and Water (Well)	43,560 (1 acre)	40	20	40	150	20percent	35percent	35
LDR with Central or Public Sewage or Central or Public Water	39,000*	40	20	40	120	20percent	35percent	35
LDR with Central or Public Sewage and Central or Public Water	20,000*	40	20	40	100	20percent	35percent	35

*For single-family detached dwellings only. All other allowed uses shall have a minimum lot area of 43,560 square feet no matter the type of water or sewage services.

Zoning district	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
4. R/MDR Resort Medium Density Residential District								
Single-Family Detached Dwelling Unit	43,560*	40	20	40	150	20percent	35percent	35
Twin Dwelling Unit	20,000	30	20 per building	30	50 per unit	50percent	60percent	35
Townhouse	20,000	40	20	40	20 per interior unit and 40 per end unit	20percent	35percent	35
Apartment	20,000	40	20	40	150	20percent	35percent	35
All other allowed uses	43,560*	40	20	40	150	20percent	35percent	35

*The minimum lot area for a single-family detached dwelling unit may be reduced from 43,560 square feet to 39,000 square feet when the lot is serviced by public/central sewage or public/central water, or to 20,000 square feet when the lot is serviced by public/central sewage and public/central water.

Zoning district 5. VC Village Commercial and VCO Village Commercial Overlay District	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
Residential Uses	87,120 (2 acres)	60 or 40 on local street	15	50	200	15percent	20percent	35
All other allowed uses	43,560	30	15	30	200	35percent	65percent	40

Zoning district 6. GC General Commercial District	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
Vehicle or Manufactured Home Sales or Commercial Recreation (Outdoor)	87,120 (2 acres)	30	30	15	150	35percent	65percent	40
All other allowed uses	43,560 (1 acre)	30	30	15	150	35percent	65percent	40

Zoning district	Min. Lot Area (sq. ft.)	Min. Front Yard Setback	Min. Side Yard Setback (each)	Min. Rear Yard Setback	Min. Lot Width	Max. Percent of Building Coverage	Max. Percent of Impervious Coverage	Max. Building Height
7. I Industrial Zoning district	87,120 (2 acres)	30	25	30	200	35percent	65percent	40

**SECTION 308. ADDITIONAL REQUIREMENTS AND RECOMMENDATIONS
WITHIN THE VC VILLAGE COMMERCIAL DISTRICT.**

308.A. Purposes. This Section is intended to serve the following purposes, in addition to the overall objectives of this Ordinance:

1. To encourage new development to occur in a manner that is compatible with existing older development and the Township's natural scenic beauty, and stronger "sense of place."
2. To promote convenience-oriented business that mainly serve local residents.
3. To provide for safe vehicle traffic.
4. To serve the purpose of Traditional Neighborhood Development as listed in the Pennsylvania Municipalities Planning Code.

308.B. Additional Requirements and Guidelines Within the VC District.

1. No retail establishment shall exceed a total building floor area of 40,000 square feet.

2. Every principal building shall have the appearance of a pitched roof when viewed from the street.

3. The majority of exterior walls of principal buildings facing onto a public street shall be constructed of stone, brick, other decorative masonry, glass, stucco, wood and, materials with a closely similar appearance, as opposed to plain masonry block or metal. This provision may not restrict metal roofs.

4. Earth tone colors are strongly recommended, as opposed to extremely bright colors.

5. The "Interconnected Parking Lots" provisions of Section 711 of the Subdivision and Land Development Ordinance are hereby incorporated by reference. As a condition of approval of any new principal non-residential building, the Applicant shall prove compliance with such Section.

6. See the paved area setback provisions of Section 603. A total maximum of 20 percent of the land area on a lot that is located within 50 feet from the front lot line shall be used for paving, vehicle parking or stone surfaces. A majority of vehicle parking should be placed to the rear or side of the principal building.

7. A new principal building for retail sales is strongly encouraged to include a front porch with a roof overhang or an awning over the front door.

8. A new principal building for retail sales shall have a pedestrian entrance and windows on the side of the building that faces a public street.

9. Consistent styles of signs should be used among different businesses on a lot. Signs should not be overly bright. Signs should not be internally lit. If a sign is internally lit, the letters should shine through a darker background color, as opposed to dark letters on an overly bright white or yellow background.

10. The mass of a larger building should be broken up by making it appear to be a connected set of smaller buildings. This can be achieved by changes in materials, setbacks and rooflines.

SECTION 309. CONSERVATION DESIGN DEVELOPMENT.

309.A. Purposes. The purpose of the Conservation Design Development is to allow flexible development of areas with sensitive natural features in such a way as to:

1. Avoid soil erosion and sedimentation.
2. Avoid severely increased storm water flows and speed.
3. Steer development to those areas that are more physically suited for it.

4. Avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snowplow.

5. Avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice.

6. Conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats.

7. Reduce construction costs while allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases, this option will encourage the preservation of significant areas of common/preserved open space. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited and may become overtaxed if the entire Township is developed in one-acre minimum lots from end to end.

309.B. Applicability. This Section allows an Applicant the option to reduce the minimum lot areas on tracts of land if the application proves to the satisfaction of the Township that the requirements of this Section will be complied with.

1. The term "Conservation Design Development" shall mean a residential development meeting the requirements of this Section.

a. Uses. A Conservation Design Development shall only include single family detached dwellings, nature preserves, Township-owned recreation, golf courses and their customary permitted accessory uses. A mobile/manufactured home park shall not qualify as a Conservation Design Development. Certain additional housing types may be allowed in a zoning district if specifically permitted by Section 309(C) below.

2. A tract may be eligible for a Conservation Design Development if it includes the following minimum amount of lot area in common ownership: six acres in the CO district and four acres in any other district where Conversation Design Development is allowed under the Use Table of Section 306. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.

a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas.

b. The amount of common open space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features.

c. Conservation Easements shall be established on lots as necessary to make sure that the maximum density requirement is met overtime. Such

Conservation Easements shall prevent the re-subdivision of lots in a manner that would violate this Section.

d. A golf course (not including areas covered by building and paving) may count towards the common open space provided it includes more time of development approval.

e. Areas used for a principal non-residential use (other than uses approved as common/preserved open space) may not be included within the land area used to calculate residential density.

3. A Conservation Design Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or home buyers, provided that the developer or the developer's successor remains responsible for ensuring the compliance with the approved development plan.

309.C. Density, Open Space and Lot Standards. If approved as a Conservation Design Development, then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum common/preserved open space on the entire tract meets the requirement stated below and all other requirements of this Ordinance. If a situation is not described in this Section, then a Conservation Design Development may not be permitted in that situation.

1. A Yield Plan shall be presented by the Applicant. The Yield Plan shall accurately show the maximum number of dwellings units that would be possible under current Township Ordinances if the Conservation Design Development provision would not be used. For example, in the R District this Yield Plan shall show compliance with a two-acre minimum lot area. Such Yield Plans shall be completed to an accurate scale, including accurately showing tract boundaries, steep slopes, 100-year floodplains and wetlands. The Yield Plan shall show potential lots and streets. However, the Yield Plan is not required to meet the detailed engineering requirements of a preliminary subdivision plan. Septic probes and perc tests are required, to show that on-lot septic systems would be possible in marginal areas.

2. Such Yield Plans shall be reviewed by the Township Planning Commission, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units on each site, both physically and legally. If such estimates are determined not to be accurate, the Applicant shall be required by the Township Planning Commission to revise such Yield Plan.

3. The maximum number of dwelling units allowed on the tract through Conservation Design Development shall be 25 percent greater than the number of dwelling units that is determined by the Township to be possible under the approved Yield Plan. See additional density bonuses in Paragraph (7) below.

4. The following minimum lot areas shall apply in the noted zoning districts, provided that the total maximum density for the tract is not exceeded:

a. CO Conservation District -- The minimum lot area may be reduced to 43,560 square feet and the minimum lot width to 150 feet. A minimum of 65 percent of the total tract area shall be preserved as common open space.

b. R Rural District-

i. With Township-approved central water and sewage services, the minimum lot area may be reduced to 15,000 square feet and the minimum lot width to 85 feet. A minimum of 80 percent of the total lot area of the tract (prior to subdivision) shall be preserved as common open space.

ii. Without Township-approved central water and sewage services, the minimum lot area may only be reduced to one acre and the minimum lot width to 150 feet. A minimum of 40 percent of the total area of the tract must be preserved as common open space.

c. LDR, R/MDR, VC or GC Districts -- The dwellings shall need both Township-approved central water and central sewage services.

i. For single family detached dwellings, the minimum lot area may be 15,000 square feet with a minimum 90 feet lot width and a minimum of 30 percent of the tract in common open space; or the minimum lot area may be 12,000 square feet with a minimum 85 feet lot width and a minimum of 40 percent of the tract in common open space; or the minimum lot area may be 10,000 square feet with a minimum 80 feet lot width and a minimum of 50 percent of the tract in common open space.

ii. Twin dwellings and townhouses shall also be allowed within a Conservation Design Development in the LDR, R/MDR, VC and GC districts. A minimum building width of 30 feet shall apply for each twin dwelling unit and 24 feet for each townhouse dwelling unit. If the development includes any twin dwellings or townhouses, then a minimum of 60 percent of the total lot area of the tract shall be preserved in common open space. The Applicant is required to show that the dimensional requirements could be met as if each dwelling were on its own lot, however, each dwelling unit is not required to be on its own fee-simple lot.

5. Any lot of less than one acre shall be served by the Township-approved central sanitary sewerage service and central water service.

6. Conservation Design Development shall be combined with Transfer of Development Rights.

7. An additional density bonus of 20 percent shall be allowed if either of following conditions are met. This density bonus shall only be granted if the conditions are established by legal documents that are acceptable in form to the Township Solicitor. Such legal documents shall allow enforcement by the Township, in addition to enforcement by the landowner. Only one of the following density bonuses may be used.

a. A 20 percent density bonus shall be allowed if all dwelling units within a development tract will be limited by deed and by any lease to occupancy by at least one-person age 55 and older, their spouse of any age, and no persons under age 18; or

b. A 20 percent density bonus shall be allowed if all dwelling units within a development will be limited by deed and by any lease to occupancy by no one individual for more than 90 days in any calendar year. This provision is intended to allow time-share units, quarter-ownership units, and rental resort units.

309.D. Other Requirements. Only requirements that are specifically stated in this Chapter as being adjusted shall differ from what would otherwise apply to a conventional non-Conservation Design Development. All other requirements of this Ordinance and the Township Subdivision and Land Development Ordinance shall still apply to a Conservation Design Development.

309.E. Conditions for Approval. In addition to the specific requirements of this Section, a Conservation Design Development shall only be approved if the Applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Township Planning Commission, that the following conditions will be met:

1. That the Conservation Design Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include the following:

a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.

b. The permanent preservation of a substantial area of land in an agricultural use, in a tract of proper size and configuration that allows for efficient agricultural use and that considers the issue of compatibility between the agricultural uses and homes.

c. The dedication of public recreation limited to parks or playgrounds at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active or passive recreation.

d. The Conservation Design of homes in a location that will be substantially buffered from highly noxious nuisance-generating uses, such as a state route or major arterial street.

2. The Applicant shall prove that the proposed Conservation Design Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.

a. At a minimum, the Applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements, and needed utility, street and driveway crossings.

b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

309.F. Open Space.

1. Open Space. Land within a Conservation Design Development may be permanently preserved as public, semi-public or private "Common or Preserved Open Space."

2. Open Space Standards. Any common/preserved open spaces shall meet the following requirements:

a. Such open space shall be permanently deed-restricted or protected by an appropriate Conservation Easement to prevent the construction of buildings, the use of any non-agricultural commercial purpose, or the use of the land for clear cut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a tree farm, golf course, nature preserve, wholesale plant nursery, or an agricultural operation limited to crop farming.

b. A Conservation Design Development must still meet any recreation land dedication or recreation fee requirements that may apply under the Township Subdivision and Land Development Ordinance.

c. The Township may require the use of Conservation Easements within
a
Conservation Design Development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

d. Improvements to Open Spaces. Where open space is proposed to be used for recreation or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the

Applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.

i. Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.

ii. Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.

iii. Types of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:

iv. Lawn. A grass area with or without trees which may be used by the residents for a variety of proposed uses and which is intended to be mowed regularly.

v. Natural Area. An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.

vi. Recreation Area. An area designated for a specific recreation use, including tennis, swimming, shuffleboard, playfields or children's play equipment. Such areas shall be maintained to be safe and appropriate for the intended use.

vii. All proposed Common/Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

viii. The Applicant shall prove that all required Open Space would be suitable for its intended and Township-approved purposes.

ix. Lots and open spaces shall be located to promote pedestrian and visual access to common/preserved open spaces whenever possible.

3. Open Space Ownership. The method to be used to own, preserve and

maintain any common/preserved open space shall be acceptable to the Township. The Township shall only approve a Conservation Design Development if the Applicant proves there will be an accepted method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.

a. The method of ownership and use of any required common/preserved open shall be determined prior to preliminary subdivision or land development approval. The Township should be given the right of first refusal at the time of such review to accept proposed open space as public open space. Required open space shall be permanently preserved by one or a combination of the following methods:

i. Dedication to the Township as a public open space if the Board of Supervisors agree in writing to such dedication.

ii. Dedication to the County as public open space if the County Commissioners agree in writing to such dedication.

iii. Dedication to the School District if the School Board agrees in writing to accept such dedication and to use and maintain the land for public school building or related open space.

iv. Dedication to a homeowners association, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for filing of assessments or municipal liens for the non-payment of maintenance costs for common/preserved open space that is not publicly-owned.

I. Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowner's association until such association is incorporated and able to maintain such land.

v. Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.

vi. Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.

vii. Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.

viii. Operation as a bona fide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking may not count towards the minimum average lot area.

ix. Retention as part of one or more private lots, with an appropriate Township-approved Conservation Easement. This option is not available in the LDR and R/MDR districts on trade of less than five acres. This option shall only be available if the Applicant proves to the satisfaction of the Board of Supervisors that none of the other options are feasible.

b. Legal documents providing for ownership or maintenance if required shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.

c. A legally binding system shall be established to oversee and maintain land that will not be publicly owned. Any homeowner association should generally follow the provisions of Section 705(f)(1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the recorded plan. For example, if it is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings".

309.G. Steep Slopes. A lot required to have a larger minimum lot area under the Township Subdivision and Land Development Ordinance because of steep slopes may not be permitted to be reduced in lot area under this Section. However, through the use of the smaller minimum lot areas in this Section, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the slope requirements of the subdivision and land development no longer apply to individual lots. With a Conservation Design Development, no construction of principal buildings shall occur on slopes of over 25 percent.

309.H. Access. A Conservation Design Development shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.

309.I. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Chapter would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

309.J. Definition of Common/Preserved Open Space. See Section 202.

309.K. Landscaping Plan. An application for a Conservation Design Development involving over 30 acres shall include a landscaping planting and preservation plan prepared by a registered landscape architect.

1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the common/preserved open space and throughout the tract.

2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent possible. The methods to ensure preservation during construction shall be described.

3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

SECTION 310. OPTIONAL TRANSFER OF DEVELOPMENT RIGHTS ("TDR").

310.A. Purposes. In addition to serving the overall purposes of this Ordinance, this Section is intended to:

1. Encourage the permanent preservation of important farmland and environmentally sensitive areas;

2. Direct growth to locations where public water and sewerage services are available; and

3. Provide a voluntary method for landowners to be compensated by the free market to preserve their land.

310.B. Applicability.

1. The Transfer of Development Rights shall only officially occur at the time of final approve of a subdivision or land development plan. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the application shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.

2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property.

a. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.

3. The form of the Conservation Easement shall be acceptable to the Board of

Supervisors based upon review by the Township Solicitor and the Township Planning Commission. The term Conservation Easement shall include an Agricultural Conservation Conversation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the County Agricultural Land Preservation Board may be utilized.

4. A Sending Property shall be within the CO, R or LDR Districts. A Sending Property shall have a minimum lot area of 10 acres.

5. A Receiving Property shall be within the R/MDR, LDR or VC Districts.

a. In addition, a Receiving Property may be in the R district if the density is being transferred from an adjacent lot in the R district.

b. Density may be transferred from one portion of a lot to another portion of lot, even if it means transferring some of the density from one zoning district to another zoning district, provided the Applicant proves to the satisfaction of the Township that the transfer will not result in any increase in density compared to what would be possible under conventional development.

6. The owners of the sending and receiving properties shall voluntarily commit to participate in the transfer of development rights. Once such Conservation Easement is established, it shall be binding upon all current and future owners of the sending property. The Applicant for the receiving property is responsible to negotiate with, and pay compensation to, the owner of the sending property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the sending property.

7. Donations or Intermediaries. The right to develop a Sending Property may be purchased by or donated to the Township, the County, or an established incorporated non-profit organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall be established on the Sending Property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property.

310.C. Determination of Density.

1. Yield Plans shall be presented by the Applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100-year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detail septic perc tests are not required for such sketches, but new septic systems may not be assumed to be possible in areas with obviously severe limitations.

2. Such Yield Plans shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the Applicant shall be required by the Zoning Officer to revise such Yield Plan.

3. Based upon the Yield Plans, permission to develop dwelling units may be transferred from the Sending Property to the Receiving Property. The potential to develop the dwelling units may be transferred from the Sending Property, depending upon the amount of land affected by the permanent Conservation Easement.

a. For example, if under current zoning, five dwelling units would be possible on the western portion of a lot and six dwelling units on the eastern portion, the owner may choose to transfer the right to develop five dwelling units by placing a permanent Conservation Easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.

b. If only a portion of a lot would be affected by the Conservation Easement, the Applicant shall prove that the Conservation Easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.

c. Where a Conservation Easement would be established in phases over time, each phase shall be contiguous with a previous Conservation Easement, unless the Applicant proves to the satisfaction of the Board of Supervisors that there is a valid public purpose for the easement to not be contiguous.

4. If, for example the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property. The development of the Receiving Property shall still comply with all other requirements of this Ordinance, except for the maximum density, which shall be regulated by this Section.

5. The Receiving Property shall be permitted to include the increased total number of dwelling units above the number that would otherwise be permitted, as approved by the Township based upon the Yield Plan. However, in no case shall the following lot areas and densities be exceeded:

a. R/MDR or VC District. For single family detached dwellings, the minimum lot area may be reduced to 9,000 square feet, and the minimum lot width to 70 feet. The minimum average lot area for other types of dwellings

permitted in the R/MDR or VC Districts shall be at least 9,000 square feet per dwelling unit. This minimum average lot area shall be calculated as provided in Section 307 for the R/MDR district. The absolute maximum density for a manufactured home park under TDR shall be five dwellings per acre.

b. LDR District. For single family detached dwellings, the minimum lot area may be reduced to 12,000 square feet and the minimum lot width to 80 feet.

6. Utilities. To receive a transfer of development rights, all lots of less than one acre on the Receiving Property shall be served by Township-approved central sanitary sewerage service and central water service.

7. The transfer of development rights shall be combined with incentive concerning Conservation Design Development.

310.D. Once a Conservation Easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors may extend time limits to complete the development of the Receiving Property in response to a written request.

310.E. As part of Transfer of Development Rights, the development of the Receiving Property shall comply with all Township requirements, except for provisions specifically modified by this Section.

SECTION 311. MIXED USE RESIDENTIAL OVERLAY ZONING DISTRICT.

311.A. Applicability of Zoning districts. The MXD district shall serve as an overlay to the Rural, Low Density Residential, Resort Medium Density Residential and Village Commercial districts. Within the MXD district, an Applicant shall have the option of developing under the Rural, Low Density Residential, Resort Medium Density Residential and Village Commercial districts or the MXD district, as may be provided for in this Section.

311.B. Application of District Regulations.

1. The design criteria and standards set forth in this Section shall apply to all Uses permitted within the Mixed-Use Residential Overlay Zoning district and shall supersede design criteria, standards and dimensional requirements set forth elsewhere in the Zoning Ordinance and Township Subdivision and Land Development Ordinance for such uses.

2. This MXD district shall be applicable to Tracts of land that are:

a. Located in the Rural, Low Density Residential, Resort Medium Residential Density or Village Commercial districts.

b. A minimum of 400 acres in size.

c. Contain either an 18-hole golf course or a lake, pond or other body of water in excess of 50 acres.

d. Serviced by public sewer and water.

e. Abut and have primary vehicular access from an arterial or connector roadway owned by the Commonwealth of Pennsylvania.

311.C. Permitted Uses. The following uses are permitted "by-right" in the MXD district unless noted as a Conditional Use:

1. Residential Uses:

- a. Single Family Detached Dwellings
- b. Twin Dwellings Units
- c. Townhouses/Rowhouses
- d. Multi-Family Dwellings
- e. Mixed-Use Residential Units (By Conditional Use)

2. Commercial Uses

- a. Any use permitted in the Village Commercial District
- b. Heliport (By Conditional Use)
- c. Auto Repair Garage and/or Auto Service Station
- d. Betting Use (By Conditional Use)
- e. Beverage Distributor, retail
- f. Car Wash
- g. Kennel
- h. Self-Storage Development
- i. Tavern (By Conditional Use)
- j. Veterinarian Office

3. Institutional / Semi-Public Uses.

- a. Any use permitted in the Village Commercial District
- b. Emergency Services Station

4. Public/Semi-Public

- a. Any use permitted in the Village Commercial District
- b. Public Utility Facility

5. Industrial Uses

- a. Any use permitted in the Village Commercial District.
- b. Electricity Generating Plant (By Conditional Use)
- c. Windfarm for Electricity Generation involving more than 2 windmills on a lot. (By Conditional Use.

6. Temporary Industrial Uses: (All by Conditional Use)

- a. Asphalt Plant
- b. Cement Manufacture
- c. Clay, Brick and Tile Refractory Manufacture
- d. Sawmill/Planing Mill
- e. Warehousing or Storage as an accessory use

7. Accessory Uses

- a. Any use permitted in the Village Commercial District.
- b. Model Houses (By Conditional Use)
- c. Development sales offices. (By Conditional Use)

8. Miscellaneous Uses

- a. Any use permitted in the Village Commercial District except Groundwater or Spring Water Withdrawal.

311.D. Dimensional Requirements for the Entire MXD Overlay District.

1. Maximum residential density permitted within the MXD district two and one-half dwelling units per gross acre. This provision shall not prohibit individual lots, parcels, Sections or phases of development from having density in excess of two and one-half dwelling units per acre on a lot so long as density over the entire MIXED USE OVERLAY DISTRICT does not exceed two and one-half dwelling units per acre. This provision shall not operate as a guarantee of a specific density. The number of units permitted shall be subject to all other applicable provisions of the Township's Zoning Ordinance, SALDO and other regulations.

2. Minimum open space required within the MXD district is 50 percent. This provision may not prohibit an individual lots, parcels, Sections or phases of development from having less than 50 percent open space, so long as the open space over the entire MXD district is not less than 50 percent. Open space may include golf courses, community centers (excluding buildings), outdoor recreation areas, trails, parks, and common areas adjacent to and usable by residents within the community, environmentally protected areas (i.e. forest stands, wetlands, steep slopes), storm water management facilities, bodies of water and common areas are separated from adjacent residents. To the extent not inconsistent with this paragraph, open space shall meet the definition of Open Space under Section 202.

3. Maximum building coverage permitted within the MXD district is 30 percent. This provision may not prohibit individual lots, parcels, Sections or phases of developments from having building coverage in excess of 30 percent so long as building coverage over the entire MXD district is not greater than 30 percent.

4. Maximum impervious coverage permitted within the MXD district is 40 percent. This provision may not prohibit individual lots, parcels, Sections or phases of developments from having impervious coverage in excess of 40 percent so long as the impervious coverage throughout the entire MXD district is not greater than 40 percent.

5. Commercial and Mixed Residential Uses within an MXD district may not comprise more than 20 percent of the total Tract granted Master Plan approval pursuant to this Section. Commercial Uses within the MXD district shall comprise a minimum of two percent of the total Tract granted Master Plan approval pursuant to this Section.

6. At least 40 percent of all residential dwelling housing units within the MXD district must be permanently age restricted in accordance with the Fair Housing Act and the Housing for Older Persons Act as those acts may be amended.

7. The total of Multi-Family Dwellings and Mixed-Use Residential Units may not exceed 15 percent of all residential dwelling housing units within the MXD district.

311.E. Performance Standards.

1. See attached chart for providing height and bulk performance and design standards within the MXD district.

2. Pedestrian Oriented Design. Any development within the MXD district shall include an integrated system of sidewalks, paths, trails and walkways to provide a pedestrian oriented design that encourages pedestrian activity. Age Restricted Residential Developments shall include sidewalks on at least one side of the roadway. Non-age Restricted Residential Development shall include a system of walking paths, which may include trails, paths or sidewalks which are not required to be along roadways.

3. Curbing shall be required along roadways within Age Restricted Residential Development and within developments with average lot size in excess of 15,000 square feet.

4. Street trees and street lighting shall be incorporated into the design of all developments within the MXD district.

5. Other design criteria shall comply with the Township Subdivision and Land Development Ordinance.

311.F. Additional Requirements with the Mixed-Use Residential Overlay District. The provisions of Chapter 4 shall apply to the specific uses in the MXD district except as provided below.

1. Heliports: A Private Heliport within the MXD district shall be permitted pursuant to Conditional Use on a minimum lot area of ½ acre and may permit up to 28 take-offs and landings within a seven-day period upon a demonstration that:

- a. Adequate measures are in place to provide for the public safety and welfare.
 - b. Unrestricted access to police, fire and other emergency services must be provided.
 - c. The heliport is located no closer than 1,000 feet from the perimeter of a development approved pursuant to this Section.
 - d. The heliport must comply with all relevant FAA and Pennsylvania Department of Transportation regulations.
 - e. The Board of Supervisors may issue a Special Event Permit to allow for additional take offs and landings in conjunction with events at the Mountain Laurel Center for the Performing Arts and other special events that may occur in the Township.
2. Auto Service Stations. Auto Service Stations within the MXD district are limited to a maximum of eight fuel pumps each with no more than two fuel delivery locations, one on each side of the pump.
3. Car washes. Car washes within the MXD district are permitted on half acre minimum lots if used as part of an Auto Service Station and uses recycled water.
4. Convenience store: A convenience store within the MXD district may exceed 6,000 square feet of floor area pursuant to conditional use upon a demonstration that:
 - a. The Convenience store shall have primary vehicular access from an arterial or connector road.
 - b. The Convenience store shall not exceed 10,000 square feet of floor area.
5. Conversion of an Existing Building into Dwelling Units. The provisions of Chapter 4 for this particular use may not apply to the adaptive reuse of existing structures with the MXD district. Notwithstanding the foregoing, any adaptive reuse of an existing structure within the MXD district shall require land development approval by the Board of Supervisors.
6. Townhouses and Multi-family Dwellings. The provisions of Chapter 4 for this particular use may not apply within the MXD district. The dimensional standards for Townhouses and Multi-family dwellings within the MXD district are identified in Section 311(E). Multi-family dwellings may not include free standing structures used primarily for residential rental purposes. Hotels and motels are exempt from this prohibition.
7. Temporary Industrial Uses. Temporary Industrial Uses permitted in Section 311(C) shall be permitted pursuant to Conditional Use as part of construction, building and development within the MXD district. Conditional Use shall be granted upon proof

that the uses will not adversely impact the health, welfare and safety of the community. The right to engage in these uses shall be temporary and may not continue after completion of development as approved in the Master Plan. Temporary Industrial Uses may not be in areas designated for open space. Temporary Industrial Uses shall be located a minimum of 300 feet the perimeter of a tract approval pursuant to this Section.

8. Model Houses. Model Houses shall be permitted pursuant to Conditional Use upon satisfactory proof that:

- a. Adequate off-street parking shall be provided.
- b. Commercial activity conducted within the Model House and upon the lot shall be limited to the promotion and conduct of the builder's residential construction business as it relates to the development within the MXD district.
- c. No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.
- d. The location of a Model House may not be in an area designated for use as Open Space.
- e. The Model Houses shall comply with all set-back requirements from the property lines.
- f. The occupancy permit for a Model House shall be valid for a period of five years from the date of issuance and may be renewed, upon application, for an additional five years. Thereafter, unless extended by additional Conditional Use approval, the Model House activity shall cease and the use shall revert to a residential dwelling unit.

9. Development Sales Offices. Development Sales Offices shall be permitted pursuant to Conditional Use upon satisfactory proof that:

- a. Adequate off-street parking shall be provided.
- b. Commercial activities conducted within the sales office and upon the development shall be limited to offerings within the development only.
- c. The location of the Development Sales Office shall comply with all set-back requirements from the property line.
- d. The Development Sales Office may not be in an area designated for use as Open Space.
- e. The occupancy permit for the Development Sales Office shall be valid for a period of five years from the date of issuance and may be renewed, upon application, for a successive five-year period. Thereafter, unless extended by additional Conditional Use approval, the Development Sales Office shall revert

either to a residential dwelling unit or to a development amenity or to another permitted use.

311.G. Parking.

1. Requirements. The parking requirements of Chapter 6 shall apply within the MXD district, except as follows:

a. Age Restricted Residential. Except as provided for below in subparagraph (2), residential housing of any form permanently age restricted to households pursuant to Section 311(D)(6) above shall require two off-street parking spaces per dwelling unit. Garage spaces are counted toward this requirement.

b. Multi-Family Dwellings and Mixed-Use Residential Units. Multi-Family Dwellings and Mixed-Use Residential Units shall require one and a half off-street parking spaces per dwelling unit.

c. Multiple Uses. When a proposed lot contains or includes more than one type of use, number of parking spaces required shall be the sum of the parking requirements for each separate use, unless modified pursuant to Section 311(G)(2) below.

d. Tavern. Taverns require one space per 30 square feet of floor area accessible to customers or utilized to service customers.

2. General Regulations for Off-Street Parking. The parking requirements of Chapter 6 shall apply within the MXD district, except as follows:

a. Parking Shared in Common. In order to preserve open space and minimize impervious coverage, the Township may, pursuant to conditional use approval, permit up to 30 percent of the parking requirements for all uses within the district to be shared or held in reserve. Such conditional use shall be granted upon a showing of one or more of the following:

i. That the aggregate parking requirements imposed by the Ordinance are in excess of the actual anticipated parking demand.

ii. That the parking demands created by a mix of commercial and residential uses will result in parking demands at different times, therefore reducing the number of overall parking spaces required.

b. Location of Parking. The Township may, pursuant to Conditional Use approval, permit required off-street parking spaces to be located off-site. Such Conditional Use shall be granted upon a showing that:

i. The off-site parking is located on a lot within 300 feet of a residential use that such off-site parking serves;

- ii. 500 feet of any other use that such off-site parking serves; and
- iii. A signed written lease or other document establishes the right to utilize the off-site parking.

A use permit issued for any use utilizing off-site parking shall automatically expire if the lease, easement or other agreement permitting the off-site parking expires or otherwise ceases to exist.

3. Design Standards for Off-Street Parking. The parking requirements of Chapter 6 shall apply within the MXD district, except as follows:

- a. Size of Parking Spaces. Each parking space shall be rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except that the minimum length shall be 22 feet for parallel parking.

- b. Size of Parking Spaces for Compact Cars. 20 percent of all spaces required for multi-family and non-residential uses may be designated as parking for compact cars and shall require minimum width of nine feet and a minimum length of 18 feet, except that the minimum length shall be 20 feet for parallel parking. Parking spaces designated for use by compact cars shall be clearly marked and designated for that purpose and identified with the use of "hair pin" or other similar lie designations.

311.H. Master Plan Approval Process.

1. Master Plan Content. Applications for development as a Mixed-Use Residential development shall include the submission of a Master Plan and supporting data for the subject tract.

- a. The Master Plan shall conform to the requirements for a Sketch Plan as set forth in Section 603.1 of the Lehman Township Subdivision and Land Development Ordinance. The scale of the plan shall be such that the entire development can be viewed on a single sheet. Plan scales of one inch equals 200 feet or one inch equals 400 feet are appropriate.

- b. In addition to the requirement for a Sketch Plan, the following information shall be provided in either plan or narrative format:

- i. An "existing conditions" map of the entire tract and a narrative of development limitations. Provide a map prepared in accordance with Sections 407.2.1 through 407.2.3 of the Township's Subdivision and Land Development Ordinance. The intent of the plan and narrative is to describe the natural and manmade features within the development area and to discuss any limitations or restrictions on development. The requirements of 407.21.b of the SALDO may be satisfied by aerial photographs. The Township Engineer may request additional information to supplement the aerial photographs.

ii. A conceptual site plan of the entire tract and a narrative of proposed development. A map shall be provided showing all proposed lots and uses, building types and locations, traffic and pedestrian networks, and the proposed open space system. The intent of plan and narrative is to describe the proposed development and discuss how the development is integrated into the natural setting of the subject tract, including any impacts. The narrative shall include a description of methods and procedures that will be employed to minimize the removal of trees on building lots.

iii. The location and type of land use proposed within the development (i.e. single family residential, two-family residential, multi-family residential, townhouses, age restricted residential development, retail commercial, service commercial, community facilities, recreation facilities, open space, etc.), including existing zoning and land use on all adjacent tracts.

iv. A summary of land use tabulating the number of new buildings and dwelling units by type and distinct area as shown on the Master Plan, including the area encompassed by each type.

v. A summary of Zoning Ordinance requirements (density, area and bulk requirements) and a comparison to the proposed development.

vi. A summary of the total building area proposed, including square footage by buildings type, approximate size and location of residential and commercial buildings.

vii. A list of all waivers that are being requested from the Township's Subdivision and Land Development, Stormwater, and other applicable Township Ordinances. All waiver requests shall be in writing and shall include complete justification for the request. Waiver requests may be logically grouped together, however, dissimilar subjects shall be formulated as an individual request. All waiver requests must stand on their own merits.

viii. The general vehicular and non-vehicular circulation pattern proposed throughout the entire development, including points of access to the tract as well as location, right-of-way width, and total length of proposed roadway, by roadway classification, and providing proposed streetscape dimensions and improvements. Identify traffic calming features and devices to be utilized within the development. A summary of road design and construction standards shall also be provided.

ix. An analysis of off-site traffic. Prepare a traffic study in accordance with Section 703.7 of the Township's Subdivision and Land Development Ordinance.

x. A utility impact assessment. Include the general methods by which sewer, water and other utility services will be provided. If services are to be provided by a public utility or municipal authority a letter from the utility or authority stating that they have adequate capacity and are willing to provide service. In the case of a public utility owned or controlled by Applicant, the Township Engineer may request additional documentation to support the conclusion that adequate capacity exists. Prepare a water study in accordance with Section 706.6 of the Township's Subdivision and Land Development Ordinance.

xi. A fiscal impact study. Provide an analysis of how the proposed development will impact Township, County and School District revenue and the provision of public services within the Township.

xii. A market feasibility study of the proposed development.

xiii. Schematic architectural plans and elevations for typical buildings.

xiv. A narrative describing proposed covenants, restrictions and development standards for the development.

xv. The proposed phasing of the development.

xvi. A narrative describing how the proposed application complies with the provisions of this Section.

xvii. Pennsylvania Natural Diversity Inventory Report.

xviii. A Phase I Environmental Site Assessment.

xix. A response form from the Pennsylvania Historical and Museum Commission.

xx. A narrative describing how the proposed development will impact the delivery of fire, police and other emergency services to the community. The narrative shall include proposed efforts intended to mitigate this impact.

311.I. Master Plan Procedures. The following procedures shall apply to the submission and review of a Master Plan.

1. Plan Submission Procedures.

a. All Applicants for approval shall be submitted to the Township Planning Commission for review no less than 10 calendar days prior to a regularly

scheduled meeting. Plans, supporting data and fees shall be submitted by certified mail or delivered in person to the Administrator, who with the assistance of the Township Engineer, shall make a preliminary check to determine whether the submission is complete in all aspects and is in compliance with this Ordinance. The Secretary shall transmit copies of the plan and supporting data to the Township Engineer, the Township Solicitor, the Township Sewage Enforcement Officer, and other appropriate persons or agencies.

b. The official submission date of all plans shall be the regularly scheduled meeting of the Township Planning Commission at which the application is considered complete. If a submission is considered incomplete, the submission may not be officially accepted by the Township. The submission may not be officially accepted until all missing items/information have been submitted by the Applicant prior to a regularly scheduled Township Planning Commission meeting.

c. The Applicant shall submit plans to the County Planning Commission, the County Conservation District and all other governmental agencies having approval authority over any aspect of the plan submission, concurrent with the submission to the Township prior to the application being considered complete. Copies of a letter of transmittal, together with a signed receipt or a certified mail receipt or a certified mail receipt, shall provide the necessary evidence of a submission.

d. Plans and supporting data submitted for review will be considered at the Township Planning Commission's next regularly scheduled meeting, provided that the plans and supporting data received at least 10 calendar days in advance of the meeting. The Applicant or the Applicant's duly authorized representative should endeavor to attend the Planning Commission meetings to discuss the Master Plan. The Planning Commission may request such attendance and failure to appear at such Planning Commission meeting where the plan is being reviewed will be cause for disapproval if an extension in time is not agreed to by the Applicant.

e. The Township Planning Commission shall conduct at least one public meeting before making any recommendation to the Board of Supervisors. Notice of the public meeting shall be given by the Applicant as provided in subparagraphs (f) and (g) below. At the Planning Commission meeting at which the Master Plan is reviewed, the Planning Commission may take the following actions: make no recommendation on the application, or recommend to the Board of Supervisors that the Master Plan be approved, denied, or approved with conditions.

f. An Applicant, intending to make application for a Master Plan at a regularly scheduled meeting of the Planning Commission, shall give public

notice. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the meeting, the name of the Applicant and the nature of the matter to be considered at the meeting. 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 meeting.

g. The Applicant shall also notify all property owners, whose property is within 1500 feet of the proposed development. The Applicant shall obtain the identity of all such property owners from Pike County real estate tax records available to the public. The form of notification shall be in writing and shall provide the same information as set forth in the public notice. The Applicant shall provide the Township with a list of all property owners that are notified, along with certificates of mailing to each address, that a first-class mailing has been made to every property owner on the list. The timing of this mailing shall coincide with the first date of the published public notice. Compliance with this provision shall be determined by the Board of Supervisors in their sole discretion. Failure to strictly comply with this provision may not be grounds for an appeal so long as the notice provided complies with the Public Notice requirements of the Pennsylvania Municipalities Planning Code.

2. Master Plan Review Fees.

a. The Township shall collect a review fee, as may be established from time to time by resolution of the Board of Supervisors, for all Master Plan submissions.

b. Fees shall be charged to cover the costs of reviewing Mater Plan submissions and other expenses incidental to the Township processing and acting on Master Plans.

c. The Applicant shall pay the appropriate fee at the time of plan submission. The submission shall not be considered as complete until all required fees have been paid.

d. The Application shall reimburse the Township for all expenses that exceed the initial review escrow amount. The Township may withhold approval of a Master Plan until all expenses are paid, except as set forth in the Pennsylvania Municipalities Planning Code.

3. Review Procedures.

a. Master plans shall be prepared in accordance with the requirements of this Ordinance. Plans and supporting documentation shall be submitted in five sets.

b. The Administrator shall refer the Master Plan and appropriate supporting data to the following agencies or individuals:

Township Engineer
Township Solicitor
Township Sewage Enforcement Officer; if applicable.

c. The Administrator may refer the Master Plan and appropriate supporting data to the following agencies or individuals:

Pennsylvania Department of Transportation
Pennsylvania Department of Environmental Protection
Utility Companies

d. The Planning Commission shall review the Master Plan and shall recommend to the Board of Supervisors approval, approval subject to modification or rejection of the plan within 65 days of the submission date.

e. The Planning Commission may consider the comments from the above reviews prior to making its recommendation to the Board of Supervisors, if such comments are received within 30 days from the date the plan was forwarded to such agency or individual.

f. The Board of Supervisors shall conduct a public hearing on the Master Plan pursuant to public Notice. The Board of Supervisors shall make its decision with respect to an application and shall communicate such decision to the Applicant within 90 days of the submission date, following the review of the Planning Commission. The decision of the Board shall be in writing and shall be communicated to the Applicant personally or by certified mail at Applicant's last known address not later than 30 days following the decision. In the event the date of the next meeting of the Planning Commission, following the date of submission to the Administrator, exceeds 30 days, the Planning Commission shall take action within 90 days of the date of submission to the Administrator and the Board of Supervisors shall take action within 120 days of the date of submission to the Administrator. Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required shall be deemed an approval of the application unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision.

g. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case cite the provisions of the Ordinance relied upon.

h. When the Board of Supervisors communicates its decision on the Master Plan to the Applicant, the Board will inform the Applicant of any conditions required to the plan. Any such conditions shall be noted on the plan.

i. Approval of the Master Plan shall constitute approval of the development as to the character and intensity of development, the approximate arrangement and dimension of streets, lots and other planned features, but may not authorize the sale of lots.

j. Following approval of the Master Plan by the Board of Supervisors, the Applicant shall be required to submit Preliminary and Final Subdivision Plans or Land

Development Plans for each phase of the Master Plan to the Township pursuant to the provisions of the Township's Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code. All such submissions shall be in accordance with the time schedule set forth in the Master Plan.

k. If the Applicant fails to submit plans within one year of the dates set forth in the proposed Phasing Plan, the Township, upon motion of the Board of Supervisors may notify the Applicant of default and shall provide the Applicant with 90 days to either cure the default or secure an extension of the Phasing Plan. If the Applicant fails to cure the default or obtain an extension, the Township may, upon resolution of the Board of Supervisors may declare that the Master Plan in default and suspend the Master Plan approval. The Board of Supervisors shall grant an initial one-year extension request upon written application by the Applicant so long as that request is submitted in writing and received by the Township prior to the expiration of the one-year period set forth above. Additional extensions shall be granted at the sole discretion of the Board of Supervisors.

l. The Applicant may file an application to amend the Phasing Plan to the Board of Supervisors. Amendments to the Phasing Plan may not require the procedural and technical requirements of Master Plan application. Approval of an amended phasing plan is in the sole discretion of Board of Supervisors.

4. Waivers from Township's Subdivision and Land Development Ordinance. As part of the Master Plan approval process, the Applicant may request waivers from provision of the Township's Subdivision and Land Development Ordinance. The Board of Supervisors shall grant such waivers upon a showing that literal compliance with the mandatory provisions of the SALDO is shown to be unreasonable or to cause undue hardship or when an alternative standard can be demonstrated to provide equal or better results. Notwithstanding the granting of these waivers, the Applicant may request additional waivers as part of the land development process.

5. Relief from Zoning Provisions. If a provision of the Zoning Ordinance prohibits the implementation of the Master Plan, the Board of Supervisors may, in its sole discretion, grant pursuant to conditional use any and all relief appropriate, upon a showing that the relief contemplated allows for a development consistent with the standards identified in this Section and further the purposes of this District.

6. Conditions of Approval. As part of Master Plan Approval, the Board of Supervisors may attach such reasonable conditions as may be necessary to protect the public health, safety and welfare of the community. The Board of Supervisors may attach such reasonable conditions as may be necessary to implement the purpose of this Section and of the Zoning Ordinance.

7. Vested Rights Following Master Plan Approval. The Applicant, or any successor to the Applicant, for any or all portions of the development plan, shall have a vested right to proceed according to the approval Master Plan and no subsequent change or amendment to the Township's Zoning Ordinance, Subdivision and Land Development or other Governing Municipal Ordinance shall be applied to adversely affect the right of the Applicant or any successor to commence and complete any aspect of the approved Master Plan for a period of 15

years from the date of approval of the Master Plan, except as provided for in Section 311(I)(3)(k). The Applicant's vested right to proceed according to the Master Plan may be extended at the conclusion of 15 years for additional periods of five years pursuant to Conditional Use approval. The Applicant shall be entitled to preliminary and final land development in accordance with the terms of the Master Plan approval so long as the preliminary and final plans comply with all relevant Ordinance provisions in place at the time of Master Plan approval. This provision may not operate to exempt the Master Plan from State and Federal laws and regulations existing at the time of Master Plan Approval or enacted after Master Plan Approval. Additionally, this provision may not operate to exempt the Master Plan from Township Ordinances that may be enacted relating to open space and recreation fees pursuant to 53 P.S. 10503 (11) of the Pennsylvania Municipalities Planning Code, or contributions for Transportation Capital Improvement Plans pursuant to 53 P.S. 10501-A et seq. of the Pennsylvania Municipalities Planning Code.

8. Amendments Pursuant to Conditional Use. Master Plan Approvals are conceptual in nature. Subdivisions and Land Development Applications filed pursuant to an approved Master Plan may deviate from the approval Master Plan so long as the deviation does not represent a significant change in Master Plan. Minor deviations may not require a formal amendment of the Master Plan. Significant changes and amendments to the Master Plan may only be permitted pursuant to conditional use approved by the Board of Supervisors. The determination of whether or not a change is minor is in the sole discretion of the Board of Supervisors.

CHAPTER 4
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

SECTION 401. APPLICABILITY. This Chapter establishes additional requirements for certain Specific Uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each zoning district.

SECTION 402. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES. Each of the following uses shall meet the following requirements for that use:

402.A. Adult Use (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility).

1. The regulations of Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.

a. To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include: increases in criminal activity or activities that increase the risk of transmission of sexually transmitted diseases; increases in activities that increase the risk of transmission of other communicable diseases; blight; decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes; and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.

b. To limit Adult Uses to location where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

c. To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.

2. No Adult Use nor its parking area shall be located within:

a. 500 lineal feet of the lot line of any Residential Zoning District or existing dwelling; and

b. 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.

3. No Adult Use shall be located within 1,000 lineal feet of any existing "Adult Use."

4. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of five feet.

5. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.

6. No Adult Use shall be used for any purpose that violates any federal, state or local law.

7. See Section 709, Prohibited Signs.

8. The Adult Use may not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable court decisions.

9. An Adult Use shall be prohibited in all Districts except where specifically permitted in the Use Table under Chapter 3.

10. A minimum lot area of one acre is required.

11. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes booths for viewing adult movies or nude dancers.

12. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor between employees or entertainers and customers. This shall include a prohibition on "lap dancing".

13. Only "lawful" massages as defined by state court decision shall be performed in a massage parlor.

14. 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 Facility."

15. Any application for such use shall state the names and home addresses of:

i. All individuals intended to have more than a five percent ownership in such use or in a corporation owning such use; and

ii. An on-site manager responsible to ensure compliance with this Ordinance daily. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.

16. The use may not operate between the hours of 12 midnight and 7 a.m.

17. As specific conditions of approval under this subsection, the Applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), 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).

402.B. Adult Day Care Center.

1. The center must be fully licensed if required by the State.
2. The center must have constant supervision during the hours of operation.
3. The center may not meet the definition of a "treatment center."

402.C. After Hours Club. This use is prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).

402.D. Airport or Heliport.

1. As part of Conditional Use Approval, the Board of Supervisors shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
2. As part of a Conditional Use Application, the Applicant shall provide evidence that flight patterns will be designed to minimize noise nuisance to dwellings.
3. Unless specifically approved otherwise, a private Airport or Heliport may not include any take-offs or landings of aircraft between the hours of 9 p.m. and 7 a.m., except for emergencies.
5. The minimum lot area shall be at least 50 acres for an airport and 20 acres for a heliport.

402.E. Animal Cemetery.

1. The minimum lot area shall be at least two acres.
2. A crematorium, where allowed in the Use Table under Chapter 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
3. All structures and graves shall be setback a minimum of 30 feet from the future right-of-way of any public street; 10 feet from the cartway of an internal driveway; and

20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.

4. No grave sites and no structures shall be located within the 100-year floodplain.

5. The Applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

6. The use must be conducted in such a manner that public health and groundwater quality will not be threatened.

402.F. Assisted Living Facility/Personal Care Center/Nursing Home.

1. An assisted living residence and personal care home shall have a minimum lot size of three acres.

2. The minimum setback shall be 50 feet from all property lines.

3. A minimum of 20 percent of the lot must be dedicated to outdoor recreational activities for the occupants limited to one or more of the following: garden areas, sitting areas, picnic areas, and pedestrian walkways.

4. Proof of licensing by Pennsylvania Department of Human Services must be provided prior to the issuance of a Zoning Permit.

402.G. Auditorium (Commercial), Arena, Performing Arts Center or Exhibition Trade Show Center. The Applicant shall show that proper measures will be in place to allow orderly vehicle entry and exit, particularly to address large numbers of vehicles attempting to exit at one time.

402.H. Auto, Boat or Mobile/Manufactured Home Sales.

1. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions under Section 803.

2. See light and glare standards under Section 507.

3. See parking requirements under Chapter 6.

4. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

402.I. Auto Repair Garage.

1. All paint work shall be performed within a building, with a ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work, and grinding) and outdoor welding may not occur within 75 feet of a "residential lot line". Painting shall occur in a spray booth.

2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Chapter 5. See buffer yard requirements in Section 803.

3. Outdoor storage of motor vehicles may not be within any required buffer yard or street right-of-way.

4. Overnight outdoor storage of tires (more than 15) or "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.

5. Any "junk vehicle" may not be stored for more than 20 days within view of a public street or a dwelling. A maximum of six junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.

6. Service bay doors may not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.

402.J. Auto Service Station.

1. See definition of this term and "Auto Repair Garage" in Chapter 2. The uses may be combined if the requirements for each are met.

2. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use may not include body work and spray painting.

3. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.

4. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.

5. Any "junk vehicle" or storage of tires may not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.

6. The use may include a "Convenience Store" if the requirements for such use are also met.

402.K. Bed and Breakfast Inn.

1. Within a residential district (where permitted under the Use Table of Chapter 3), a maximum of five rental units shall be provided and no more than three adults may occupy one rental unit. No maximums shall apply within other permitted districts.

2. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast shall be located either to the rear of the principal building screened from the street and abutting dwellings by landscaping.

3. There may not be signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of six square feet on each of two sides and with a maximum height of eight feet. No internal lighting of the sign shall be permitted.

4. The use shall have a residential appearance and character.

5. The use shall be operated and managed by permanent residents of the lot

6. There shall be separate cooking facilities in any guest room. Food shall only be served to guest who are staying overnight unless a restaurant is also permitted.

7. No guest shall stay more than 14 days in any month.

8. The use should occur in buildings that existed prior to January 1, 1940. If a newer building is used, its architecture should approximate that which existed prior to 1940.

402.L. Boarding House (including Rooming House).

1. The minimum lot area shall be at least two acres.

2. The minimum side yard building setback shall be 30 feet for each side.

3. The minimum lot width shall be 200 feet

4. The minimum density is six bedrooms per acre and shall serve a maximum total of 20 persons.

5. Each bedroom shall be limited to two adults.

6. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.

7. There are separate standards for an "assisted living facility," which is not considered a boarding house.

8. Signs shall be limited to two wall signs with maximum of two square feet each.

9. Rooms shall be rented for a minimum period of five consecutive days.

402.M. Campground, Camp or Recreational Vehicle Campground.

1. For each acre of total lot area, there shall be a maximum average of:

a. Three recreational vehicle per sites;

b. Four tent sites; or

c. Cabin sleeping capacity for 12 persons. Such sites may be clustered in portions of the tract.

2. Stores shall be limited to sales of common household and camping items and shall be primarily intended to serve persons camping on the site.

3. A commercial campground shall include at least one stone or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from paved public street cartway shall be paved.

4. The minimum lot area is five acres in a commercial or industrial district, and 20 acres in any other district where the use is permitted under the Use Table of Chapter 3.

5. All campsites, recreational vehicle sites, buildings and vehicle parking shall be setback a minimum of 150 feet from all residential lot lines and 75 feet from all other lot lines and public street rights-of-way. However, the 75 feet setback from a public street-of-way shall be reduced to 30 feet along a minor street if both sides of the street are in common ownership. Any existing healthy trees within such setback shall be preserved, except as needed for a perpendicular entrance road and utility crossings.

6. Buildings used for sleeping quarters may not be within the 100-year floodplain. No campsites or buildings shall be located on slopes over 15 percent.

7. Maximum impervious coverage shall be 10 percent, which includes the typical lot area covered by recreational vehicles at full capacity.

8. No person other than a bona fide resident manager/caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

402.N. Car Wash.

1. Traffic flow and ingress-egress may not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
2. Adequate provisions shall be made for the proper and convenient disposal of refuse. The Applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
3. Water from the car wash operation may not flow onto sidewalks or streets in such a manner as could cause ice hazards.
4. Any car wash that is located within 250 feet of an existing dwelling may not operate between the hours of 10:00 p.m. and 7:00 a.m.
5. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
6. The minimum lot area shall be five acres, which shall be reduced to one acre if the Applicant proves that most of the water used in the operation will be recycled on-site.

402.O. Cemetery.

1. The minimum lot area is two acres, which may be on the same lot as an allowed place of worship.
2. A crematorium, where allowed under the Use Table in Chapter 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
3. All structures and graves shall be setback a minimum of 30 feet from the future right-of-way of any public street; 10 feet from the cartway of an internal driveway; and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
4. No grave sites and structures shall be located within the 100-year floodplain.
5. The Applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

402.P. Commercial Communications Antennae as Principal or Accessory Use.

1. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:

a. In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:

- i. A principal agricultural building or silo;
- ii. An electric high voltage transmission tower;
- iii. An existing lawful commercial communications tower;
- iv. A fire station or steeple or bell tower of a place of worship; or
- v. A water tower.

b. In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to the antenna's height from any lot line of a dwelling on another lot.

2. Any commercial communications antenna/tower that does not meet paragraph (1) above (such as a new freestanding tower) shall only be allowed where specifically authorized in the Use Table of Chapter 3, and in compliance with the following regulations:

a. Such antenna/tower shall be setback from all lot lines and street right-of-way a distance that is equal to or greater than the total height of the antenna/tower above the surrounding ground level.

b. A new tower, other than a tower on a lot of an emergency service station, shall be setback the following minimum distance from any existing dwelling: 50 feet plus the total height of the tower above the surrounding ground level.

c. A tower attached to the ground shall be surrounded by a security fence and locked gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.

d. The Applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the applicable Building Code. If a Building

Code does not regulate the matter, then the provisions of the latest published version of the International Building Code, or its successor code, shall be met.

e. The Applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.

f. An Applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternatives to be unworkable. The reasons shall be provided.

g. A maximum total height of 250 feet above the ground shall apply in a commercial and industrial district and 200 feet in any other district where it may be allowed, unless the Applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.

h. The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.

i. A new freestanding commercial communications tower shall only be granted special exception approval in the R or R/MDR districts if the Applicant proves to the satisfaction of the Zoning Hearing Board that there are no suitable locations for the antenna

j.

k. on existing towers and/or within commercial and industrial districts.

j. A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flagpole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.

k. Purpose. These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:

i. To protect property values.

ii. To minimize that visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.

iii. To minimize the number and heights of towers in manner that still provides for adequate telecommunications services and competition.

l. A tower/antenna that is intended to primarily serve emergency communications by a Township recognized police force or ambulance organization and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.

m. Any antenna and tower that is no longer in active use shall be completely removed within six months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.

n. All accessory utility buildings or cabinets shall have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet, and meet principal building setbacks.

o. If a new tower is proposed within a half mile of lands of the National Park Service, a letter shall be sent to the Superintendent of the Delaware Water Gap National Recreation Area notifying them of the proposal at least 10 days before any hearing.

p. If an Environmental Impact Study or Environmental Assessment is required by federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable federal agency. The Zoning Hearing Board may also require an Environmental Impact Statement under Chapter 10 of this Ordinance.

3. Small Wireless Communication Facility, Small Cell Installation.

a. A Small Wireless Communication Facility site with a Small Wireless Communication Facility that is either not mounted on an existing structure or which is more than 15 feet higher than the structure on which it is mounted shall, in addition to all other applicable requirements, comply with the following:

i. No Zoning Permit shall be issued for any new Small Wireless Communication Facility governed by this subsection until the Applicant provides documentation to the Zoning Hearing Board that a service provider has contracted for the use of the facility. An Applicant may apply for approval of the Small Wireless Communication Facility, and such approval may be granted by the Zoning Hearing Board, but the Zoning Permit shall not be issued until the required service provider documentation is provided.

ii. The Applicant shall demonstrate to the satisfaction of the Zoning Hearing Board, using technological evidence, that the Small Wireless Communication Facility and support structure must go where it is proposed in order to satisfy its function in the company's grid system. The number of small wireless communication facilities 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.

iii. The Zoning Hearing Board may require the Applicant to demonstrate that the Applicant contacted, in writing, the owners of tall structures within a five-mile radius of the site proposed, asked for permission to install the Small Wireless Communication Facility on those structures, and was denied. This would include smokestacks, water towers, tall buildings, Small Wireless Communication Facility support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Zoning Hearing Board may deny the application to construct a new tower if the Applicant has not made a good faith effort to mount the Small Wireless Communication Facility 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 Small Wireless Communication Facility. A good faith effort shall demonstrate that one or more of the following reasons apply to a particular structure:

I. The proposed equipment would exceed the structural capacity of the existing structure, and its reinforcement cannot be accomplished at a reasonable cost.

II. 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.

III. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to enable it to provide service consistent with the provider's system requirements.

IV. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the FCC governing human exposure to electromagnetic radiation.

V. A commercially reasonable agreement could not be

reached with the owners of such structures.

b. A Small Wireless Communication Facility shall not be more than 30 feet in height. The Small Wireless Communication Facility shall comply with any applicable airport hazard Ordinance.

c. The Zoning Hearing Board may require the tower to be designed and constructed to be stackable (structurally capable of being increased in height) so that additional antenna arrays can be accommodated in addition to the arrays on the original tower to facilitate future co-location.

d. The Applicant shall provide to the Zoning Hearing Board graphic information that accurately portrays the visual impact of the proposed tower from various vantage points selected by the Zoning Hearing Board, such parks and playgrounds, designated historic sites or districts or designated scenic areas. This graphic information may be provided in the form of photographs or computer-generated images with the tower superimposed, as may be required by the Zoning Hearing Board. The Zoning Hearing Board may require the Applicant to conduct a balloon test to confirm the visual impact. The Zoning Hearing Board may require stealth design or specific colors, consistent with applicable federal regulations, to ensure that the Small Wireless Communication Facility is compatible with the surrounding landscape.

e. If a new Small Wireless Communication Facility support structure is constructed (as opposed to mounting the Small Wireless Communication Facility on an existing structure) or if the Small Wireless Communication Facility height exceeds the height of the existing structure on which it is mounted by more than 15 feet, the following minimum setbacks shall apply:

i. If the parcel on which the Small Wireless Communication Facility and support structure are located 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 Small Wireless Communication Facility structure plus 30 feet. The setback for equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet.

ii. If the land on which the Small Wireless Communication Facility and support structure is located is leased or is used by license or easement, the setback for any part of the Small Wireless Communication Facility, the support structure, equipment containers, other accessory structures and guy wire anchors shall be a minimum of 30 feet from the line of lease, license or easement. In any case, the distance between the base of the support structure and any adjoining property line (not lease, license or easement line) may not be less than the height of the Small Wireless

Communication Facility structure plus 30 feet.

iii. Support structures shall be separated from residential dwellings on adjacent or proximate properties by not less than two times the height of the structure.

iv. The setbacks in subparagraph (e)(i) and (ii) above may be reduced to not less than 30 feet, provided the affected property owner provides to the Applicant permission for the lesser setback. Such permission shall be in the form of a recorded agreement between the affected property owner and the Applicant.

f. The Applicant shall demonstrate that the proposed Small Wireless Communication Facility 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 and licensed professional that a proposed Small Wireless Communication Facility 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.

g. A fence, a minimum of eight feet in height and of a design to restrict unauthorized access, shall be installed around the Small Wireless Communication Facility support structure and other equipment.

h. Existing vegetation on and around the site shall be preserved to the greatest extent possible.

i. Landscaping installation and maintenance may be required to screen as much of the support structure as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the Small Wireless Communication Facility and support structure site from neighboring properties and the sight lines from prominent viewing locations.

ii. The Zoning Hearing Board may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping if they achieve the same degree of screening as the required landscaping.

i. Access to the Small Wireless Communication Facility and support structure shall be provided by means of a public street or easement to a public

street in accord with a local or state highway occupancy permit, as applicable. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet, with a dust-free, all-weather surface for its entire length. Access shall, if feasible, be provided along existing access points and drives.

j. The Applicant shall provide a fire control plan including details about any fire suppression system proposed for any Small Wireless Communication Facility or similar item. The plan shall be provided to the Township designated fire company for review and comment.

402.Q. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.

1. See Chapter 3, which regulates where conversions are permitted. Applicable State Fire Safety Requirements shall be met.

2. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:

a. The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. Dwelling units may internally share the single front entrance.

b. The conversion may not be permitted if it would require the placement of an exterior stairway on the front of the building or would require the placement of more than three off-street parking spaces in the required front yard.

3. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.

4. Dumpster Screening. See Section 806.

5. A maximum total of four dwelling units may be developed per lot unless a more restrictive provision is established by another Section of this Ordinance.

6. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801(C).

402.R. Day Care Center, Child.

1. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.

2. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.

3. Convenient parking spaces within the requirements of Chapter 6 shall be provided for persons delivering and waiting for children.

4. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of one acre and a minimum setback of 20 feet from an abutting "residential lot line."

5. The use shall include secure fencing around outdoor play areas.

6. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of any existing dwelling on an abutting lot.

7. This use may not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.

8. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.

9. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.

10. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

402.S. Development Sales Offices. Development Sales Offices shall be permitted pursuant to Conditional Use upon satisfactory proof that:

1. Adequate off-street parking shall be provided.

2. Commercial activities conducted within the sales office and upon the development shall be limited to offerings within the development only.

3. The location of the Development Sales Office shall comply with all set-back requirements from the property line.

4. The Development Sales Office may not be in area designated for use as Open Space.

5. The occupancy permit for the Development Sales Office shall be valid for a period of two years from the date of issuance and may be renewed upon application, for a successive period of two years. Thereafter, the Development Sales Office shall revert either to a residential dwelling unit or to a development amenity or to another permitted

use. Only one occupancy permit for a Development Sales Office shall be issued to each builder and/or developer in any single development.

6. Development Sales Offices shall only be permitted in subdivisions or land developments approved for a minimum of 50 residential units.

7. Conditional Use approval for a Development Sales Office shall only be approved for new developments. Applications for Conditional Use for a Development Sales Offices shall be denied if the application is filed later than 18 months after final land development and subdivision approval of the development.

402.T. Fiber Optic Switch Facility.

1. The facility shall be located on a lot that has no other principal or accessory buildings on it.

2. All equipment associated with the facility must be stored entirely within an enclosed building and any utilities shall be located underground.

3. Any building associated with the facility shall meet the minimum setbacks requirements for a principal building in the zoning district in which it is located.

4. The access drive to the facility shall be paved and have a width of 12 feet.

5. To minimize visual impacts, the facility shall be fenced and buffered, except for the access drive.

6. Any buildings shall meet the maximum height requirements for an unattached accessory nonresidential building.

402.U. Golf Course. A golf course may include a restaurant, clubhouse or tavern provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling and provided that the impervious area covered by such uses does not exceed an amount equal to five percent of the lot area of the golf course. The minimum lot area shall be 50 acres within the R and LDR districts.

402.V. Groundwater or Spring Water Withdrawal from a lot for off-site consumption.

1. The Applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the Applicant proves to the satisfaction of the Board of Supervisors that the proposed application will not adversely affect wells of neighboring properties (considering drought conditions), aquatic habitats of surface waters, and agricultural yields.

2. The Applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the Applicant proves to the satisfaction of the Board of Supervisors that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.

3. Any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent resident lot.

4. Minimum lot area is 100 acres.

5. Any bottling or processing operations shall be considered a separate and distinct use and shall only be allowed if "Food or Beverage Manufacturing" is an allowed use under Section 306.

402.W. Group Homes. Group Homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

1. See definition in Section 202.

2. A Group Home may not include any use meeting the definition of a "Treatment Center."

3. A Group Home shall include the housing of a maximum of six unrelated persons, except:

a. If a more restrictive requirement is established by another Township Code.

b. The number of bona fide paid professional staff may not count towards such maximum.

4. The facility shall have trained staff supervision for the number and type of residents. If the facility involves five or more residents, then 24-hour on-site staffing shall be provided.

5. The Applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.

6. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

7. Any medical or counseling services shall be limited to a maximum of three non-residents per day. Any staff meetings shall be limited to a maximum of five persons at one time.

8. Parking. See Section 601.

9. If a Group Home is in a residential district, neighborhood appearance shall be maintained like nearby dwellings. No sign is permitted that identifies the use.

10. The persons living on-site shall function as a common household unit.

402.X. Hemp Grower and Processor.

1. A field or planting site for hemp may not be located within 1,000 feet of a school or playground/park; 200 feet of a structure used as a residential dwelling unit; and three miles of a medical marijuana grower or processor facility.

2. A field or planting site for hemp must be physically separated from other crops.

3. Any growing of hemp located within 1,000 feet of a zoning district where a residential dwelling unit is a principally permitted use, or a residential use shall be conducted inside a building.

4. Growing and processing of hemp shall comply with the requirements of the General Permit issued or approved by the Pennsylvania Department of Agricultural.

5. Industrial hemp production may not occur on the same property where the growing and processing of hemp occurs.

402.Y. Hotel or Motel.

1. See definitions in Chapter 2, which distinguish a hotel/motel from a boarding house.

2. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any, "residential lot line" and located in the rear of the lot.

402.Z. Junkyard. (including automobile salvage yard)

1. Storage of garbage or biodegradable material is prohibited, other than what is customarily general on-site and routinely awaiting pick-up.

2. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.

3. The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.

4. Outdoor storage shall be completely enclosed (except at an approved driveway entrance) by a 40-foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

5. Burning or incineration is prohibited.

6. See the noise or dust regulations of Chapter 5.

7. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and property stored in a suitable area on an impervious and properly drained surface.

8. Lot area is two acres minimum and 20 acres maximum.

9. Tires. See the "Outdoor Storage and Display" standards in Section 403.

10. Any storage or junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway and shall be kept out of a drainage swale.

402.AA. Kennel

1. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "Residential Lot Lines".

2. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.

3. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.

4. See State law regulating kennels.

5. Minimum lot area is six acres.

402.BB. Legal Gambling and Off-Track Betting. Legal Gambling or Off Track Betting establishments include any gaming devices, slot machines, roulette tables, black jack tables, dice

tables, joker/poker machines and any other gambling or gaming device, and any other activity which involves the dealing, operating, carrying on, conducting, maintaining, or exposing for pay, any game, but excluding small games of chance which are approved by Pennsylvania State regulations and conducted by emergency services organizations, whether or not including a restaurant, night club, bar or similar use.

1. Purposes. The regulations of legal gambling or off-track betting establishments are intended to recognize the adverse secondary impacts of legal gambling or off-track betting establishments that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include increases in criminal activity, decreases in the stability of residential neighborhoods and traffic congestion.

2. Such establishment may not be located within 500 feet of any residential district and any structure whose use is principally residential.

3. Such establishments may not be located within 500 feet of any structure or use of land which contains one or more of the following specified land uses:

- a. School or Educational Facility;
- b. Playground;
- c. Park;
- d. Church, Synagogue, Mosque or other similar place of worship;
- e. Library;
- f. Child Care Facility;
- g. Camp; and
- h. Amusement Park.

4. The distance between any such legal gambling or off track betting establishment and any of the protected land use specified herein shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point of the property line or structure of such protected land use.

5. Off street parking shall be provided at the rate of three spaces for each 100 square feet of all public areas, including related dining, restaurant, bar and snack bar areas, and an additional one space per each employee of the largest shift.

6. The proposed establishment may not be detrimental to the use of adjoining properties and must meet the following performance standards:

- a. Hours of operation: 9:00 a.m. to 2:00 a.m.;
- b. Lighting in accordance with current zoning requirements; and
- c. All parking areas shall be screened and include at least a 20-foot buffer from all private properties adjacent to the site.

7. The proposed establishment may not constitute a nuisance due to noise or loitering outside of the building.

8. The Applicant is required to obtain approval of a land development plan under the Township Subdivision and Land Development Ordinance, as amended.

9. All other federal, state and other permits shall be obtained prior to the issuance of a certificate of occupancy.

10. The proposed establishment shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and their respective agencies and instrumentalities.

11. The proposed establishment shall be prohibited in all districts except where specifically permitted in the Use Table of Chapter 3.

12. The proposed establishment shall have a minimum of 60 contiguous acres for development. All owners of record must join in the application for development.

13. The Applicant is required to obtain conditional use approval which shall include a community impact analysis which includes an evaluation of the potential impacts upon the following community facilities:

- a. Emergency services and fire protection;
- b. Solid waste disposal;
- c. Recreation;
- d. Surrounding roadway systems;
- e. School facilities and school district budget;
- f. Water supply;
- g. Sewage disposal; and
- h. Township revenues and expenses.

402.CC. Livestock and Poultry, Raising of.

1. "Intensive raising of livestock or poultry" shall only be permitted as a conditional use and shall only be permitted in the zoning districts where agribusiness is permitted in the Use Table of Chapter 3.

2. Minimum lot area is five acres, except a minimum lot area of 50 acres and a minimum lot width of 500 feet shall apply for an "Intensive Raising of Livestock or Poultry" use.

3. Except for an Intensive Raising of Livestock or Poultry use, any structure or concentrate feeding areas for the keeping of livestock or poultry shall be located a minimum of:

- a. 300 feet from any lot line of an existing dwelling, and

- b. 100 feet from all other exterior lot lines.
4. For an Intensive Raising of Livestock or Poultry use, any structure or feeding areas for the keeping of livestock or poultry shall be located a minimum of:
 - a. 600 feet from any lot line of an existing dwelling;
 - b. 1,000 feet from any existing dwelling; and
 - c. 300 feet from all other exterior lot lines. The outer perimeter of the land area onto which waste is applied from a lagoon from a swine farm shall be a minimum of 50 feet from any lot line.
5. The setbacks from property lines may not apply from dwellings or residential lots owned by the operator or owner of the livestock use or affected property-owners providing a written notarized letter waiving such setback.
6. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
7. The keeping of minks or garbage-fed pigs shall be setbacks a minimum of 600 feet from all lot lines. For any garbage-fed pigs, the Applicant shall provide a written statement of the methods to be used to control odors, pests, rodents and health hazards.
8. For any new or expanded operation regulated under the State Nutrient Management Act, the Applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.
9. New or expanded manure storage facilities or structures or concentrated feeding area used for the keeping of livestock or poultry may not be located within 100 feet of any floodplain, perennial stream, river, spring, lake, pond or reservoir, private water well or open sinkhole, active drinking well or an active intake for a public water supply.
10. New or expanded manure storage facilities may not be located within 200 feet of a property-line.
11. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
 - a. The Applicant shall provide the plans, including a soil and water conservation plan, to the County Conservation District for review. A Stormwater Management Plan shall be submitted to the Township Engineer, who shall provide a review to the Board of Supervisors. The Applicant shall be responsible to pay for the costs of such reviews.

b. The Applicant shall prove to the satisfaction of the Board of Supervisors that:

i. Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. A written odor control plan shall be submitted and shall be complied with if approved. Such plan shall describe methods that will be used to properly dispose of dead animals.

ii. The Applicant shall show compliance with applicable state and federal environmental regulations.

iii. The location of the facility is based upon a consideration of prevailing wind patterns.

iv. A 50 feet wide landscaped area will be provided adjacent to any lot line of a dwelling.

v. The driveway, driveway entrance and adjacent roads are suitable to accommodate the amounts and sizes of truck that will be generated by the use. The Board of Supervisors may require that the driveway be improved as necessary to control dust. A turnaround shall be provided so that trucks do not need to back out a public road.

vi. Sufficient water supplies are available to serve the facility without adversely affecting water supplies of neighboring properties.

c. The Applicant shall provide a written comparison of proposed methods of controlling nuisances and avoiding pollution to standard guidelines on such matters published by the State Department of Agriculture, State Department of Environmental Protection, Pennsylvania State University and industry associations.

12. The maximum building coverage shall be 10 percent, unless a more restrictive requirement applies under another Section

13. See also "Composting" in Section 403.

402.DD. Manufacturing Uses.

1. The Zoning Application shall include a detailed description of:

a. The nature of the on-site processing operations, the materials used in the process, the products produced, the generation and methods for disposal of any wastes and by-products, and the manner and method of storage and disposal of materials.

b. The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.

c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

2. The use shall be operated completely within a building. Overhead and man doors shall be directed away from adjoining properties whenever possible and must be closed while the use is in operation.

3. A buffer yard of at least 75 feet shall be provided from any lot used or zoned as residential. When the lot adjoins a lot used for residential purposes or zoned for residential use, the lot shall be screened with both a planting strip and fence to obstruct the view from the residential use or zone.

4. The following manufacturing uses shall be limited to buildings of 10,000 square feet or less:

a. Assembly or finishing of products using materials produced elsewhere.

b. Manufacture or bulk processing of apparel, textiles, shoes and apparel accessories.

c. Manufacture or bulk processing of ceramics products (other than craft studios).

d. Explosive manufacturer.

e. Printing or bookbinding.

402.EE. Medical Marijuana Delivery Vehicle Office.

1. Off-street parking regulations shall utilize those listed for an office.

2. The parking area where the delivery vehicles are to be stored shall be screened with a visually solid, tight fence. A fence plan shall be required as part of the application for conditional use.

3. Entrances and driveways must be designed to accommodate the anticipated vehicles used to enter and exit the premises.

402.FF. Medical Marijuana Dispensary.

1. A medical marijuana dispensary shall meet the same municipal zoning and land use requirements as other commercial uses located in the same district in order to comply with Section 2107(2) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.
 2. The use shall be conducted in an indoor, enclosed, permanent, and secure building. The use shall have a single secure public entrance that is not shared with any other use or user and shall not be located inside the same physical space or area of another retail commercial property. The use shall not have a drive-through or outdoor seating. All storage areas shall be separately locked. The medical marijuana may not be administered or consumed on site. The user shall implement appropriate security and surveillance measures as required by the Pennsylvania Department of Health.
 3. A medical marijuana dispensary may not operate on the same property as a grower and processor of medical marijuana.
 4. A medical marijuana dispensary may only dispense medical marijuana to patients and caregivers.
 5. The use may not be located within 1,000 feet of the property line of a public, private, or parochial school or public, private, or parochial school or day-care center ("Protected Use") unless a waiver is granted by the DOH. This distance shall be measured in a straight line from the closest exterior wall of the building in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located. A medical marijuana dispensary lawfully operating under the Medical Marijuana Act, Act 16 of 2016, shall not be considered in violation of this provision as a result of a later location of a protected use.
 6. Permitted hours of operation shall be between 8:00 a.m. to 9:00 p.m. (local time) daily.
 7. All external lighting serving medical marijuana dispensary must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
 8. The required number of off-street parking spaces shall be one space for every 300 square feet of gross floor area.
 9. The required number of loading spaces shall be one space for every 10,000 square feet of gross floor area or fraction thereof.
 10. The user shall obtain a permit and approval from the DOH and provide a copy to the Township.
- 402.GG. Medical Marijuana Grower and Processor.
1. A grower and processor of medical marijuana shall meet the same requirements

as other manufacturing, processing and production uses located in the same zoning district, including minimum lot size (area and width), minimum yard dimensions (front, each side and rear), and maximum building coverage and height so as to comply with Section 2107(1) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

2. Medical marijuana may only be grown and processed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the DOH.

3. Solid or liquid waste byproduct or remnants generated from the operation shall be stored in the enclosed secured principal building until picked up for transportation to a facility authorized to accept such waste.

4. Storage of medical marijuana waste remnants in an accessory building or waste refuse container located outside of the principal building is prohibited.

5. Growing and processing of medical marijuana shall be limited to wholesale products for sale to another medical marijuana facility. Retail sales of medical marijuana, including the operation of a medical marijuana dispensary on the same property as the growing and processing operation is prohibited.

6. A grower and processor facility may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center ("Protected Use") unless a waiver is granted by the DOH. This distance shall be measured in a straight line from the closest exterior wall of the building in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located. A grower and processor facility lawfully operating under the Medical Marijuana Act, Act 16 of 2016, may not be considered a violation of this provision as a result of a later location of a protected use.

7. All outdoor lighting shall be directed away from public right of ways and adjoining properties so that the lighting does not present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or properties (nuisance glare). An outdoor lighting plan shall be required as part of the application for the use.

8. The required number of off-street parking spaces shall be one space for every 2,000 square feet of gross floor area, plus one space for every two employees on the maximum working shift.

9. The required number of loading spaces shall be one space for every 7,500 square feet of gross floor area. Loading areas shall be located within the principal building.

10. A screened buffer is required where a grower and processor facility adjoins a

zoning district where residential dwellings are a principally permitted use or a residential dwelling of a property. The screened buffer shall consist of a visually solid, tight fence not less than six feet in height and a natural wooded buffer or planting strip along the nonresidential use or zone that is at least six feet in height and five feet in width when planted so as to shield the residential use or zone from the proposed grower and processor facility. A landscape plan shall be required as part of the use application.

11. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from a grower and processor facility.

12. A grower and processor of medical marijuana must be legally registered with the Commonwealth of Pennsylvania and possess a current and valid permit from DOH.

402.HH. Mineral Extraction.

1. Application Requirements. A copy of all site plan information that will be required by the Pennsylvania Department of Environmental Protection (DEP) shall also be submitted to the Township as part of the Zoning Application.

2. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.

3. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.

4. A 75 feet wide yard covered natural vegetative ground cover (except at approved driveway crossings) shall include an earth berm with a minimum average height of six feet and an average of one shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.

a. Where existing substantial trees and other vegetation exist within this yard, they shall be preserved, except where necessary for a berm or appropriately perpendicular driveway crossings. New trees may not be required where preserved trees will serve the same purpose.

5. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:

a. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property;

b. 150 feet from a non-residential principal building, unless released by the owner thereof;

c. 400 feet from a "residential lot line", other than a dwelling owner of the mineral extraction use; and

d. 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.

6. The excavated area of a mineral extraction use shall be setback 150 feet from average waterline of a perennial stream or the edge of a natural wetland or more than two acres.

7. Truck access to the use shall be reasonably located to minimize hazards on public streets and dust and noise nuisances to residences.

8. Fencing. The Zoning Hearing Board may require secure fencing in a location where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.

9. Noise and Performance Standards. See Chapter 5.

10. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the Applicant and found to be acceptable to the County Conservation District.

11. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and if related trucking and blasting operations to protect the character of adjacent residential areas.

12. The activities and residual effects may not create conditions that are significantly hazardous to the health and safety of neighboring residents.

402. II. Membership Club. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line".

402.JJ. Mobile/Manufactured Home. Mobile and Manufactured Homes installed on an individual lot or within a mobile/manufactured home community approved after the adoption of this Ordinance shall comply with the following:

1. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These federal standards supersede local construction codes for the actual construction of the home itself.

2. Each site shall be graded to provide a stable and well-drained area.

3. Each home shall have hitch and tires removed.

4. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home community shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.

5. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection may not apply within a Manufactured/Mobile Home Community. Metal skirting may only be permitted within a Manufactured/Mobile Home Community. Provisions shall be provided for access to utility connections under the home.

7. See also the regulations of Section 307.

402. KK. Mobile/Manufactured Home Community.

1. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile home park provision of the Subdivision and Land Development Ordinance and all other provisions such that apply to a land development, including the submission, approval and improvements provision (other than specific provisions altered by this Section).

a. Where this Ordinance and the Subdivision and Land Development Ordinance both regulate the same matter concerning a manufactured home community/park, and the Sections conflict, then the provisions of this Ordinance shall apply concerning that matter.

2. The minimum tract area shall be five contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home community. The tract shall have a minimum width at the minimum building setback line of 200 feet. Two abutting lots may be merged to form a single mobile/manufactured home community.

3. The maximum average overall density shall be three dwelling units per acre.

a. To calculate this density land in common open space or proposed streets within the community may be included, but land within the 100-year floodplain, wetlands and slopes over 15 percent may not be included.

4. Landscaped Perimeter. Each mobile/manufactured home shall include a 25-foot-wide landscaped area including substantial attractive evergreen and deciduous trees

around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Board of Supervisors as part of any required conditional use approval. Such landscaped area shall not be required between adjacent mobile home community developments. This landscaped area shall be 35 feet wide abutting existing single-family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.

5. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.

6. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.

7. The minimum principal and accessory building setbacks for Mobile/Manufactured Homes in this Section 402 shall apply.

8. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.

9. Common Open Space for a Mobile/Manufactured Home Community. A minimum of 20 percent of the total lot area of the entire mobile home community shall be set aside as common open space for the residents. The Applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement, except in the perimeter buffer yard. This requirement shall be in place of any requirement for recreation land or fees under the Township Subdivision and Land Development Ordinance.

10. Streets.

a. Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.

b. Streets within the mobile home community that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 20 feet plus two five feet wide shoulders, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.

c. Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.

11. Utilities. All units within the mobile home community shall be connected to a central water and a central sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.

12. Where the provisions of these manufactured home community provisions directly conflict with the provisions of the Township Subdivision and Land Development Ordinance, the provisions of this subsection shall prevail.

402.LL. Mobile Food Facility. A Zoning Permit is required for the facility and the facility shall comply with the following requirements:

1. A food truck or mobile food facility may not park, stand, stop and operate:

a. In any public or private road or right-of-way.

b. Within 50 feet of the primary entrance of any land having another use.

c. In violation of the Pennsylvania Vehicle Code.

2. A food truck or mobile food facility may not operate:

a. At a stationary location for a duration exceeding 10 hours during any 24-hour period.

b. On land where the access could become congested; impede vehicular or pedestrian traffic; or cause any congestion of traffic flow, and, if vehicular traffic or pedestrian flow becomes congested, the owner of the truck or facility shall immediately and without delay vacate the land so as to allow for the free flow of traffic and relief of the congestion.

c. Between the hours of 9:00 p.m. and 9:00 a.m.

d. On land located in a zoning district unless permitted under Section 306.

e. On any private land without the written permission of the landowner.

f. Use any free-standing signage. All signage identifying or advertising the food truck or mobile food facility shall be affixed to the truck or facility and must only advertise the name and products being sold or offered for sale. No moving objects used to attract attention shall be permitted. Flashing, blinking, twinkling, animated or moving signs are prohibited. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited. Balloons that are greater than 50 cubic feet that are tethered to the land or any truck or facility or other

structure is prohibited. Neon Lighting of more than 10 square feet shall be prohibited.

g. Contain lighting that illuminates any public right-of-way or adjoining property. Flood lights and lasers are prohibited.

h. Park, stand, stop, or locate on any land owned by the same landowner as where another food truck or mobile food facility is located.

i. Leave any waste receptacles out when the food truck or mobile food facility is not in operation. However, every truck or facility shall provide a portable waste receptacle for customers and the owner shall be responsible for proper disposal of the receptacle daily. A five-foot clear space must also be maintained around truck or facility, except for the required portable waste receptacle.

j. Drain wastewater onto the ground or any public or private roadway or be deposit it into any storm or sewer drain outlet.

k. Project continuous music or repetitive sounds from the truck or facility. Generator noise shall also be minimized to not offend neighboring property owners.

l. Be located not less than 25 feet from a side yard line and 30 feet from a rear yard line.

m. Permitted smoking within 10 feet of the order window.

n. Without a tagged fire extinguisher with a 10 BC rating and a Class K fire extinguisher kept accessible.

o. Without proper electrical power maintained and installed as per the International Electrical Code. Extension cords running from any residential living space for power is not be allowed. Extension cords from a commercial use or business may not run across areas accessible to the public, and vehicular and pedestrian travel.

p. Without public restroom facilities. Public restroom facilities must be available on the land where the truck or facility is operating when outdoor seating is offered customers. Informational signs directing the public on where and how to access the restrooms must be posted at the order window.

q. Without a minimum of 10 off-street parking spaces. Off-street parking spaces shall be made exclusively available on the land for the truck or facility while it is in operation. All off-street parking spaces shall be located within 100 feet of the truck or facility. Every other use of the land shall also meet the

minimum number of off-street parking space requirements of Section 801. This shall be in addition to the minimum number of off-street parking spaces for the truck or facility. The truck or facility may not obstruct parking and access aisles serving other uses on the land no matter whether those other uses are open for business when the truck or facility is in operation.

r. Without comprehensive public liability insurance coverage for not less than \$300,000.00 in the event of bodily injury, including death, and, if applicable, and proof of worker's compensation insurance or an affidavit that the owner has no employees.

s. This subsection does not apply to:

i. Any catering of prepared food to a specific location not open to the public for a limited duration of not more than 10 times per year or for a special occasion less than four times per year.

ii. Special events, including municipal sponsored events or events where multiple trucks or facilities would be gathered such as a church bazar, fair, carnival or permitted use.

iii. Use of a truck or facility as part of an accessory permitted commercial use.

402.MM. Model Houses. Model Houses shall be permitted pursuant to Conditional Use upon satisfactory proof that:

1. Adequate off-street parking shall be provided.
2. Commercial activity conducted within the Model House and upon the lot shall be limited to the promotion and conduct of the builder's residential construction business.
3. No construction materials, products or equipment may be displayed or stored except within any principal or accessory building.
4. The location of a Model House shall not be in an area designated for use as Open Space.
5. The Model House shall comply with all set-back requirements from the property lines.
6. The occupancy permit for a Model House shall be valid for a period of two years from the date of issuance and may be renewed upon application for a period of two years. Additional renewals shall be granted only at the sole discretion of the Board of Supervisors. Thereafter, the Model House activity shall cease and the use shall revert to a residential dwelling unit. Only one occupancy permit for a Model House shall be issued to each builder and developer in any single development.

7. Model Houses shall only be permitted in subdivisions or land developments approved for a minimum of 50 residential units.

8. Conditional Use approval for a Model House shall only be approved for new developments. Applications for Conditional Use for a Model House shall be denied if the application is filed later than 18 months after final land development and subdivision approval of the development.

402.NN. Motor Vehicle Racetrack.

1. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling.

2. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling.

3. The Applicant shall prove that the standards of Chapter 5 will be met, including noise, lighting and dust.

4. The minimum lot area is 50 acres.

402.OO. Natural Gas Processing or Electricity Generating Plant.

1. No Zoning Permit shall be issued for a plant unless conditional use and land development approvals have first been obtained.

2. In addition to the general criteria for a conditional use, the following additional standards must be met before a Conditional Use Application may be approved.

a. The minimum lot area is 15 acres.

b. All principal buildings and accessory structures shall be set back not less than 100 feet from any property line, and 500 feet from any residential zoning district or property used for residential use.

c. The noise levels for the plant shall be equal to or less than 65 dBA at the property line, and 55 dBA noise level at any adjacent residential dwelling.

d. The Applicant must provide the Township with the ESCGP-2 Plan and the post construction Stormwater Management Plan prepared by a licensed professional engineer who is registered in the Commonwealth of Pennsylvania.

e. A site plan is required under the SALDO.

f. The operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored, or distributed on the site to the municipality and

the emergency management coordinator at least 30 days prior to commencement of the use.

g. The operator shall provide an emergency management plan to the municipality at the time of approval of the use. The plan shall be completed in coordination with the Township designated fire department.

h. The operator shall provide and keep current a prioritized call list with names, emails, addresses and phone numbers for 24-hour emergency contact at the time of its application.

i. The operator shall take measures to make certain that no mud, dirt, and debris is deposited onto public roads.

j. The site must be secured by a minimum eight-foot high chain link fence with a locking gate that shall be kept located when employees are not on site.

k. Lighting shall be directed downwards and shielded to avoid glare on public roads and adjacent properties.

l. Where a performance standard under this subsection is more restrictive or contradicts with an environmental protection of Chapter 5, the performance standard under this subsection shall control.

402. PP. Oil and Gas Compressor Station.

1. All Conditional Use Applications for an oil and gas compressor station shall meet the requirements of this subsection. No Zoning Permit shall be issued for a compressor station unless conditional use approval and land development have first been obtained.

2. In addition to the general criteria for a conditional use, the following additional standards must be met before a Conditional Use Application may be approved.

a. The minimum lot size shall be 10 acres.

b. A compressor station shall not be located closer than 2,500 feet from another compressor station.

c. No compressor station shall be located closer than 1,500 feet from any dwelling or school.

d. Compressors shall be located completely within an enclosed building. During periods of normal operations doors, windows and similar operations shall remain closed. Only electric powered compressors may be utilized.

e. A compressor station's noise level shall be equal to or less than 60 dBA at the property line for the oil and gas compressor station's site and all adjoining properties.

f. The application must provide the ESCGP-2 Plan and a post construction Stormwater Management Plan prepared by a licensed professional engineer licensed in the Commonwealth of Pennsylvania.

g. Land development approval is required under the SALDO.

h. The operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored, or distributed on site to the municipality and its emergency management coordinator within 30 days prior to commencement of the use.

i. The operator shall provide an emergency management plan to the municipality at the time of approval of the use. The plan shall be completed in coordination with the Township designated fire department.

j. The operator shall provide and keep current a prioritized call list with names, emails, addresses and phone numbers for 24-hour emergency contact at the time of its application.

k. The operator shall take measures to make certain that no mud, dirt, and debris is deposited onto public roads.

l. The site must be secured by a minimum eight-foot high chain link fence with a locking gate that shall be kept located when employees are not on site.

m. Lighting shall be directed downwards and shielded to avoid glare on public roads and adjacent properties.

n. Compressor stations shall have adequate area improved with a dust-free all-weather surface which shall be provided on the site for parking.

o. Operators shall take all measures necessary to make certain that dust does not emanate from the site.

p. Where a performance standard under this subsection is more restrictive or contradicts an environmental protection regulation under Chapter 5, the performance standard under this subsection shall control.

402.QQ. Oil and Gas Operation.

1. All Conditional Use Applications for oil and gas operations shall meet the requirements of this subsection. No Zoning Permit shall be issued for an oil or gas

operation unless conditional use and land development approvals have first been obtained.

2. In addition to the general criteria for a conditional use, the following additional standards must be met before a Conditional Use Application may be approved.

a. In addition to the requirements for a site plan for a Zoning Permit under this Ordinance, the Applicant shall indicate on the site plan all information necessary to show compliance with the supplemental regulations of this subsection.

b. Except for a gas or oil pipeline, a minimum lot size of 10 acres is required; a minimum lot depth 500 feet; and a minimum width of 500 feet shall be required for all oil or gas operations.

c. Except for a gas or oil pipeline which shall be located a minimum of 50 feet to an adjoining property measured from the outermost edge of any easement, a minimum setback of not less than 500 feet shall be maintained to any adjoining property line, residential dwelling unit, occupied building, and public road right-of-way. All land within the required setback shall remain undisturbed and may not be used for parking, storage or any other purpose associated with the oil or gas development except for permitted access drives.

d. An oil or gas operation shall be setback a minimum distance of not less than 750 feet from any stream, spring, body of water, or wetland.

e. Except for a gas or oil pipeline, a buffer yard along all property lines of not less than 100 feet in depth planted with deciduous trees shall be maintained in such a manner as to obstruct the view of the oil or gas operation from adjoining properties and public rights-of-way of not less than 75 feet in depth. The governing body may take into consideration the topographic features and existing natural vegetation which may provide natural buffering to adjoining areas as opposed to requiring the Applicant to plant deciduous trees within the buffer yard. It shall be the responsibility of the Applicant and property owner to maintain all buffer yards in good condition, replacing any dying or dead plants or deteriorating landscape material.

f. The height of a drilling rig and other temporary facilities on site shall be exempt from the height limits of this Ordinance. Permanent structures, whether principal or accessory, shall comply with the height and other dimensional and bulk limitations applicable to the underlying zoning district.

g. Multiple wells may be approved on one oil or gas well pad. A separate application and zoning approval shall be required for each well.

h. A land development plan is required under the SALDO.

i. A Stormwater Management Plan is required under the Township Stormwater Management Ordinance.

j. The required amount of off-street parking shall be a minimum of one space for each person working on the property. Off-street parking and loading shall comply with Chapter 6 except all vehicle parking and staging areas shall be setback not less than 150 feet from any property line. In addition, no vehicles shall be parked or staged on any public road right-of-way or be permitted to back into or out of the public right-of-way.

k. The Applicant shall comply with all applicable state and federal regulations and provide copies of all state or federal permits and approvals to the Zoning Officer before the commencement of any work. Notification to the Zoning Officer shall be given immediately following any suspension or revocation of state or federal approvals or permits. Any approval by the Board of Supervisors shall be contingent upon compliance with all state and federal regulations, permits, and approvals during the oil or gas operation.

l. Access to any oil or gas operation shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of streets. The following shall apply:

i. Any newly established private roads or easements constructed on a property shall be located at least 100 feet from any property line.

ii. Any access road beginning with its intersection with a public right-of way shall be paved in accordance with governing design standards under the SALDO prior to the use of the access road.

iii. All roads and access drives shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulfur water or water in mixture with any type of hydrocarbon be used for dust abatement.

iv. The access driveway off any public road shall be gated at the entrance to prevent unauthorized access; and an assigned 911 address shall be clearly visible on the access gate for emergency 911 purposes.

m. The Applicant shall be liable for the full and complete repair and restoration of all damages of whatever nature to all Township streets directly caused by trucks associated with the oil or gas operation. Proposed routes of all trucks and other heavy equipment and the estimated weights of those trucks and heavy equipment shall be disclosed. The Township shall have the right to designate alternate routes in the event the proposed route is determined to be

inadequate, unsafe, or overly disruptive to normal vehicular traffic. All Township streets used in the oil or gas operation for truck and equipment hauling will be maintained and restored, if damaged. The Township and Applicant shall enter into an excess roadway maintenance agreement, the terms, and conditions of which are acceptable to the Township to guarantee the maintenance, repair, and the restoration of any municipal roads. The excess roadway maintenance agreement shall at a minimum require the posting of a bond or other financial security in favor of the Township to guarantee maintenance, repair and restoration of all municipal roads used in the oil or gas operation.

n. Oil or gas operations shall not clear brush or trees by way of burning, and it shall chip, grind, or remove all tree stumps from properties it clears for development purposes.

o. The Applicant shall take the following steps to minimize noise resulting from an oil or gas operation:

i. At the time of the Zoning Application and prior to commencement of the operation, the Applicant shall establish the continuous 72 hour ambient noise for all level of frequencies at all boundaries of the property on which an oil or gas operation is located with prior approval of the testing times and dates by the Board of Supervisors.

ii. The Applicant shall also show at the time of the application that during the operation and between, the decibel level shall not exceed 55 decibel levels at any point outside the boundaries of the property.

iii. All noise level measurements shall be made using a sound level meter meeting the most current American National Standard Specification for Sound Level Meters (ANSI 1.4-not less than Type 2 instruments). The instrument shall have been field calibrated according to the manufacturer's directions within the periodicity required by the manufacturer prior to the measurements. All measurements shall be taken using the FAST response time and A-weighting.

p. All electrical installations and equipment associated with building shall conform to all municipal Ordinances and the Pennsylvania Uniform Construction Code.

q. Except for gas or oil pipelines, during construction of an oil or gas operation there shall be temporary security fencing of at least six feet in height around the perimeter of the site. Upon completion of construction, security fencing consisting of permanent eight feet in height chain link fence equipped with lockable gates at every access point shall be promptly installed to secure the site. Warning signs shall be placed on the fencing providing notice of the potential dangers and the contact information in case of an emergency.

r. The Applicant shall provide at the time of the application an emergency response plan. The plan shall be reviewed and approved by all agencies identified in the plan as being possibly affected by the gas or oil well operation, including, the Board of Supervisors, the police department, the fire department, the zoning and code office, the school district, and the emergency management coordinator for the Township and the County.

s. A lighting plan shall be submitted at the time of the application showing that all exterior lights are diverted so that they do not shine directly on a public street or adjoining properties.

t. Except for active drilling operations, construction of an oil or gas operation may only be performed Monday through Saturday (with the exception of federal and state holidays) between the hours of 7 a.m. and 7 p.m., or as otherwise authorized by the Board of Supervisors.

u. The Applicant shall submit at the time of the application a copy of a water quality tests on all water wells, developed springs, and surface waters within 3,000 feet of a proposed oil or gas well prior to the commencement of any drilling. The required water testing shall, at minimum, be for the following substances: Methane, Ethane, Barium, Chloride, Total Dissolved Solids, pH, Lead, Arsenic, Iron, Manganese, Strontium, Sodium, Hardness (calcium & magnesium), Sulfate, Nitrate, Oil & Grease, Detergents/Surfactants, Total Coliform Bacteria, Turbidity, Alkalinity, 21 VOCs/MTBE, Radium, Radon, Uranium, Gross Alpha and Beta.

v. The Applicant shall purchase and maintain insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least \$5,000,000.00 per loss, with an annual aggregate of at least \$10,000,000.00. In the alternative, the Applicant may self-insure such losses upon a showing of financial responsibility and capability, the determination by any state appointed auditor to be deemed conclusive. This coverage shall not operate as a limitation of liability on an Applicant. The scope of coverage for such insurance shall be approved by the Board of Supervisors. Coverage shall include coverage for pollution resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants, or pollutants in excess of applicable permits. The Applicant shall maintain coverage for a period approved by the Township.

402.RR. Picnic Grove, Private.

1. All activity areas shall be minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use may not operate between the hours of 11 p.m. and 7 a.m.

2. See noise and glare standards under Chapter 5.

3. Minimum lot area is three acres.

402.SS. Place of Worship.

1. Minimum lot area is three acres, except one acre in the VC or GC district.

2. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if the requirements for such uses are also met, including being permitted in the applicable district.

3. A maximum of one dwelling unit may be accessory to a place of worship on the same lot. Such dwellings shall only be used to house one "family." No other residential use shall be allowed.

4. If within a residential district, any new place of worship shall be adjacent to an existing collector or connector street that is in public ownership.

5. Minimum building setback from a lot line of an existing dwelling in a residential district is 100 feet.

6. Minimum parking setback from a lot line of an existing dwelling in a residential district is 40 feet.

7. A child day care center shall be allowed as an accessory use on the same lot as a place of worship.

402. TT. Plant Nursery. Within a CO, R or LDR district, this use shall have a five percent maximum building coverage and any on-site retail sales shall be limited to plants primarily grown on the premises.

402.UU. Recreation, Outdoor. (other than "Publicly-Owner Recreation")

1. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.

2. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
3. Any swimming pool shall meet the requirements for such use, as stated in this Chapter.
4. Lighting, noise and glare control shall comply with Chapter 5.
5. As a principal use, the minimum lot area shall be three acres, unless a more restrictive lot area is established by another Section of this Ordinance.
6. As a principal use maximum impervious coverage in any CO, LDR or R District is 10 percent.
7. As a principal use, maximum building coverage in any non-residential district is 15 percent.
8. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
9. Wherever woods exist adjacent to an exterior lot line use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
10. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00p.m., unless more restrictive hours are established as a condition of any needed approval.
11. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each use are also met.

402. VV. Recycling Collection Center.

1. This use may not be bound by the requirements of a Solid Waste Disposal Facility.
2. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
3. Adequate provisions shall be made for movement of trucks if needed and for off-street parking.
4. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between the use and any abutting "residential lot line."

5. The use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this subsection.

6. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that which is generated on-site and that which is accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

7. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.

8. The use may not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.

9. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

402. WW. Resort.

1. Minimum lot area is 50 acres. A minimum of 50 acres of the resort shall be held in single ownership, but individual uses on the lot may be operated by different businesses. Residential uses may be held in separate ownerships, provided the requirement for 50 acres in single ownership is first met. The resort shall have a fully coordinated site layout, stormwater system, utility system, trail system, parking and traffic access system.

2. All commercial buildings shall be setback a minimum of 200 feet from any existing dwelling that is not part of the resort.

3. The Applicant shall prove that the uses are being developed according to an overall unified plan, including fully coordinated traffic access and logical and compatible arrangement of uses.

4. A resort may, but is not required to, include combinations of the following: a hotel/motel, restaurant, museums, picnic grove, amusement arcades, living history exhibit areas, commercial indoor or outdoor recreation uses, recreational vehicle campgrounds, golf courses, golf driving ranges, miniature golf, horse riding stables, auditoriums, conference facilities, amphitheaters and taverns. A resort may not include drive-through facilities for retail sales or restaurants, nor any "adult use." Any recreational vehicle campground shall also meet the requirements for such use.

5. Residential uses shall only be allowed if the applicable requirements of the Zoning district are met for residential uses, including but not limited to: allowed housing types, maximum density and minimum lot area requirements, the maximum density and lot area of any residential uses, and related parking.
6. A resort may also include personal services and accessory retail sales of gifts, apparel and household items that primarily serve overnight guests and persons visiting other attractions of the resort. In addition, specialty retail stores shall be allowed that are open to the general public, provided they are geared mainly towards outdoor recreation and/or apparel. No retail establishment shall exceed 15,000 square feet of building floor area in a residential district.
7. Maximum impervious coverage is 30 percent, except 10 percent in the Rural District. Land on an adjacent lot may be used to meet the impervious and building coverage requirements provided the land is protected by a permanent Conservation Easement.
8. Maximum building coverage is 20 percent, except five percent in the Rural District.
9. A resort shall include a recreational trail system for use by guests.
10. The lot of a resort shall be adjacent to and have vehicle access to a connector or collector street as shown on the Township Roadway Classification Map. A resort shall have a maximum of four vehicle entrance roads or driveways onto any one street, not including emergency entrances.
11. Within a minimum of 75 feet from the existing right-of-way of a connector or collector street and from any lot line of an existing dwelling, a forested buffer shall be maintained or planted. This provision may not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement may not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line.
12. Any new principal building shall have the appearance of a pitched roof when viewed from the front of the building. Scenic observation structures may be allowed to exceed the maximum building height.
13. Where special exception approval is required, the application may receive approval for an overall fully coordinated development plan with a list of anticipated uses and approximate building locations. Then, in subsequent applications, each individual use may be allowed by right, provided the use is fully consistent with the plan that was granted special exception approval.
14. No principal building shall be placed on slopes greater than 25 percent.

402. XX. Restaurant.

1. See Section 806, Screening of Dumpster and Waste Containers.
2. See "Drive-Through" service in Section 403.
3. Drive-through service shall only be provided where specifically permitted in the applicable district.

402. YY. School, Public or Private, Primary or Secondary.

1. Minimum lot area is three acres.
2. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
3. The use may not include a dormitory unless specifically permitted in the district.

402. ZZ. Self-Storage Development.

1. All storage units shall be of fire-resistant construction.
2. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
3. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
4. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
5. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
6. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
7. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from the street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
8. Minimum separation between buildings shall be 25 feet.

9. Maximum length of any building shall be 300 feet.

402. AAA. Solar for Electricity Generating Principal or Principal Solar Energy System (PSES).

1. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM),), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

2. PSES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for solar thermal installation.

b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited solar thermal training program or a solar collector's manufacturer's training program and successfully installed a minimum of three solar thermal systems.

3. Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for enforcement action by the Zoning Officer under Chapter 10.

4. All on-site transmission and plumbing lines shall be placed underground.

5. The owner of a PSES shall provide the Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

6. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided it complies with the sign requirements in Chapter 7.

7. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures, buildings, and roadways. The Applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. A noise study shall be performed and included with the Zoning Permit Application. The noise study shall be performed by an independent noise study expert and paid for by the Applicant. Noise from a PSES may not exceed 50dBA, as measured at the property line.
9. A PSES shall be considered a land development under the SALDO and shall comply with the general landscaping requirements of Section 804. In addition, no trees or other landscaping required as a condition of approval may be removed during the installation or operation of a PSES.
10. The PSES owner or operator shall provide current contact information to the Township which includes a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquiries, and complaints for the duration of the project. The contact information shall be conspicuously posted on the property so that a person would not believe they were trespassing while viewing it.
11. The owner or operator shall furnish a written emergency preparedness plan outlining the procedures on how emergencies will be handled. The plan shall include the manner that the owner or operator will coordinate with local emergency service providers in the event of an emergency.
12. Where a solar easement is proposed by the owner or landowner for a PSES, a written agreement in recordable form constituting a covenant running with the land shall be provided to the Township as part of the subdivision or land development. The Township may not be a party to any agreement, nor an intended third-party beneficiary and may not be responsible for enforcement or maintenance of any solar easement.
13. The performance standards of this Section shall regulate all PSES instead of the environmental protection regulations of Chapter 5 to the extent they conflict.
14. All PSES shall constitute a subdivision or land development.
15. Decommissioning.
 - a. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the use. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a continuous period of 12 months.
 - b. The PSES owner shall then have six months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related

thereto, including but not limited to buildings, cabling, electrical components, transmission and plumbing lines, roads, foundations, and other associated facilities from the property. The owner shall also restore the land to its original condition pre-dismantling condition. If the owner fails to dismantle or remove the PSES and restore the land within the six-month time period, the municipality may, but shall not be required to, complete the decommissioning and land restoration at the owner's expense.

c. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security to the Township to secure the expense of dismantling and removing the PSES and restoration of the land to its original condition. The financial security shall be in the amount of 110 percent of the costs of decommissioning. The decommissioning funds shall be posted and maintain during the life of the project in the form of a performance bond, irrevocable letter of credit or other financial form of security acceptable to the Board of Supervisors.

d. An independent and certified professional engineer shall be retained by the Board of Supervisors at the owner's cost to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment. Thereafter, the owner shall retain an engineer to provide the Township with cost estimates of decommissioning after the first year of operation and every fifth year thereafter.

16. Ground mounted PSES shall have a:

- a. Minimum lot size of 10 acres.
- b. Minimum setback at all property lines of 100 feet.
- c. Maximum height of 20 feet.

17. The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels shall be considered part of impervious cover.

402. BBB. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility.

1. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water filled quarry), and wetland of more than one half acre in area.

2. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly owned park or any existing dwelling that the Applicant does not have an agreement to purchase.

3. The use shall be served by a minimum of two paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
4. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
5. The operation and day-to-day maintenance of the solid waste disposal area 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 violations of this Ordinance.
6. Open dumps and open burning of refuse are prohibited.
7. The Applicant shall prove to the satisfaction of the Board of Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slope of streets in the Township.
8. The Applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off the tract.
9. A chain link or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the Applicant proves to the satisfaction of the Board of Supervisors that this unnecessary. The Board of Supervisors shall require earth berms, evergreen screening, or shade trees as needed to prevent landfill operations from being visible from major or arterial streets or dwellings.
10. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
11. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodent or vectors.
12. Attendant. An attendant shall be present during all periods of operation or dumping.
13. Gates. Secure gates, fences, earth mounds and dense vegetation shall prevent unauthorized access.

14. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercise 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.

15. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.

16. Tires. See "Outdoor Storage and Display" in Section 403.

17. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.

18. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

19. The Applicant shall provide information for the Township to determine that the requirements of this Ordinance will be met.

20. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The Applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.

21. All loading and unloading of solid waste shall only occur within an enclosed building, and over impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.

402. CCC. Stable, Non-household. (Includes riding academies; See also "Keeping of Pets in Section 403).

1. Minimum lot area is two acres for the first two horses, plus one-half acre for each horse over two.

2. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any "residential lot line."

3. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from

being carried off by runoff into a creek. Manure may not be stored within 100 feet of a perennial waterway.

402. DDD. Swimming Pool, Non-Household.

1. The water surface shall be setback at least 50 feet from any existing dwelling.
2. Minimum lot area is one acre.
3. Any water surface within 100 feet of an existing dwellings shall be separated from the dwelling by a buffer yard meeting Section 803.
4. The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
5. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
6. The pool shall comply with the State Public Bathing Law, as amended, as applicable.

402. EEE. Target Range.

1. All target ranges shall have a barrier behind the target area which is of height and thickness to adequately protect the public safety.
2. The design of the outdoor firearms target range shall be compared by the Applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
3. An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any "residential lot line," unless all firing would occur within a completely enclosed sound resistant building. Clay pigeon or target shooting shall be directed away from homes and streets.
4. An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing.
5. The Applicant shall provide evidence that the noise limits of Chapter 5 will be met.
6. An indoor firearms target range shall be adequately ventilated and air conditioned to allow the building to remain completely enclosed.

7. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons may not be used.

8. An outdoor target range may not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.

9. Minimum lot area for an outdoor firearms target range is 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.

10. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

402. FFF. Timber Harvesting or Forestry. Timber harvesting shall conform to the following requirements:

1. Purpose. In order to preserve the forests and the environmental and economic benefits that they provide, it is intent of the Township to encourage the owners of forest land to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The timber harvesting regulations contained herein are to further this policy by:

a. promoting good forest stewardship;

b. protecting the rights of adjoining property owners;

c. minimizing the potential for adverse environmental impacts; and

d. avoiding unreasonable and unnecessary restrictions on the right to practice forestry. Because proper cutting practices vary depending on the site and on landowner objectives, it is not the intent of this Section to prescribe specific practices.

2. Applicability. This Section applies to all timber harvesting in the Township, where the total harvesting area is two acres or greater. These provisions do not apply to the cutting of trees for the personal use of the landowner or for non-commercial timber stand improvement

3. Permit Requirements.

a. Application Procedures. Landowners shall apply for a permit to harvest timber whenever the total harvest area is two acres or greater. Such application shall be made at least 90 calendar days prior to the start of work. No timber harvesting shall occur until a permit has been issued by the Zoning Officer. Upon completion of the timbering, the Zoning Officer shall be notified at least seven calendar days prior to the end of operations.

b. Application Content. Every landowner, on whose land timber harvesting occurs or impacts the Township, including its roads, shall prepare a written logging plan. Such plan shall be prepared by a Professional Forester or Forest Technician and shall be submitted as part of the permit application. The provisions of the plan shall be followed throughout the operation.

c. Responsibility. The landowner, the Applicant and the timber operator shall be jointly and severally responsible for complying with the terms of the logging plan and permit.

4. Logging Plan.

a. The Applicant shall specify, in writing the land on which harvesting will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The Zoning Permit shall be valid for one year from the date of issuance.

b. The logging plan shall include, at a minimum, the following information:

i. A narrative of proposed cutting practices and stand prescriptions for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;

ii. An erosion and sedimentation control plan approved by the Pike County Conservation District;

iii. All forestry activities shall use "Best Management Practices" which shall be shown on the plan;

iv. A narrative of all stream and road crossings, including required permits from the appropriate agency;

v. All Township and PennDOT Highway Occupancy permits, if applicable; and

vi. An application, provided by the Township, with supporting documentation, map(s), soils, approximate wetlands, ponds, etc., and a fee in the amount determined by the Board of Supervisors from time to time.

c. Map. Each logging plan shall include a site map containing the following information:

i. An accurate sketch drawn to scale of the property lines, road system, proposed harvest area, streams, setbacks, wetlands, landing areas, general topographic conditions, existing buildings, structures and improvements;

ii. Name of property owner(s), address and names of adjoining property owners;

iii. Location of all erosion and sedimentation control measures;

iv. Location of all crossings of waters of the Commonwealth, including the name of all trout streams, if applicable; and

v. The general location of the proposed operation to Township roads and State highways, including any accesses to those roads and highways.

5. Compliance with State Law. The logging plan shall address and comply with the requirements of all applicable state laws and regulations including:

a. Erosion and sedimentation control regulations contained in Chapter 25 PA Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. Sections 691.1 et seq.) and as per the County Conservation District requirements;

b. Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Sections 693.1 et seq.); and

c. Stormwater Management Plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. Sections 680.1 et seq.).

6. Relationship of state laws, regulations and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 of the Pennsylvania Code, Chapter 102 shall also satisfy the minimum requirements for the logging plan and associated map of this subsection, provided that all information required by these paragraphs is included or attached.

7. Forest Practices.

a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Board of Supervisors or PennDOT, whichever is responsible for maintenance of the thoroughfare.

b. No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.

c. All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than four feet above the surface of the ground.

d. Logging may occur between 7:00 a.m. and 7:00 p.m. prevailing time but not on Sundays, Christmas Day, Easter Sunday, Thanksgiving Day, Labor Day, Memorial Day, January 1st, and the Fourth of July.

e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

f. Streams are an important natural resource that provide for water quality, flood control, bank stabilization and other ecological benefits. To ensure their adequate protection, logging is prohibited within 100 feet of the top of the bank on each side of all streams, unless the following conditions are met:

i. The basal area of trees in that area within the 100-foot zone may not be reduced below 50 percent of the basal area present before cutting.

ii. Trees to be cut within the 100-foot zone described shall be marked above and below stump height with tree marking paint prior to the start of logging.

iii. All earthmoving within this area shall be minimized or fully avoided.

8. No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet of the banks of streams or watercourses.

9. Although clear-cutting is an accepted forest management tool used to promote the growth of certain tree species, its use must be fully justified by the logging plan. Detailed information concerning increased stormwater runoff, erosion control and a maintenance plan to assure regeneration shall be provided. Clearcutting shall be limited to a maximum contiguous area of two acres.

10. Public Road Responsibility. The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic. The Township shall require the landowner or operator to furnish a bond to guarantee the repair of such damages of \$12,500.00 per linear mile for paved roads and

\$6,000.00 per linear mile for unpaved roads. Such bond shall remain in full force until the Zoning Officer issues a written notification that all provisions of this Ordinance and conditions of the permit have been complied with. In lieu of such bond, the operator or landowner may post a cash deposit or certified check with the Township.

402. GGG. Townhouses and Apartments.

1. Maximum Number of Townhouses attached in any manner shall be eight.
2. Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
3. Garages. Townhouses shall be designed so that garages and carports are not an overly prominent part of the view from public streets. Parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
4. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
5. Access. Vehicular access points onto all arterial and collector streets shall be minimized. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.
6. Common Open Space. A minimum of 30 percent of the total lot area of the development involving townhouses and apartments and their accessory uses shall be set aside as common open space for the residents. The Applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet that is suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet may not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.
7. Buffer. Within a minimum of 50 feet from the existing right-of-way of a connector or collector street and from any lot line of an existing single-family detached dwelling, a forested buffer shall be maintained or planted. This provision may not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads and safe vehicle sight distance. This buffer requirement may not apply along a lot line of

an existing dwelling that is more than 200 feet from the lot line. This buffer may count towards the common open space requirement.

402. HHH. Treatment Centers.

1. See definition in Section 202.
2. The Applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life of the permit and use. Any future additions to the list shall require an additional special exception approval.
3. The Applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
4. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
5. If the use involves five or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

402. III. Veterinarian Office. (Includes Animal Hospital)

1. Minimum lot area is one acre.
2. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
3. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of four feet in height, to minimize dog barking.
4. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

402. JJJ. Windfarm for Electricity Generating Principal or Principal Wind Energy Facilities (PWEF).

1. Compliance Standards.

a. The design of the PWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL) Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable building and electrical codes of the Township. The Applicant shall submit certificate of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations. The manufacturer specifications shall be submitted with the Zoning Permit Application.

b. To the extent applicable, the PWEF shall comply with the PA Uniform Construction Code.

c. All electrical components of the PWEF shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.

2. Noise.

a. The audible sound from a wind turbine may not exceed 45 A-weighted decibels, and shall also not exceed 55 C-weighted decibels, as each is measured at the lot line of a property of a non-participating landowner within one mile or less from the nearest property line on which a wind turbine is located unless a written waiver is provided by the owner of such property. This requirement shall be a maximum noise level using a Lmax standard, and not based upon an average. Audible tones from electrical or mechanical components are prohibited. Measurements shall comply with ANSI/ASA S12.9 Part 3, Short Term Measurements with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI/ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.

b. The above maximum noise limits shall be reduced to 42 A-weighted and 52 C-weighted decibels between the hours of 10 p.m. and 7 a.m. However, the noise limits shall not be reduced below 45 A-weighted decibels where the Applicant provides evidence that the current continuous background sound level without the wind turbines would be higher than 42 A-weighted decibels. The continuous background sound level shall be determined per the methods of ANSI/ASA S12.9 Part 3 and ANSI/ASA S12.100.

c. All required noise studies and testing shall be completed by a qualified independent professional having specialized expertise in noise analysis. The qualifications of the person conducting the analysis shall be

included in the Conditional Use Application. ANSI standards shall be used for calibration of the noise meter.

d. With the Conditional Use Application, the Applicant shall provide a written noise study that projects the maximum sound levels at the property line of the nearest five non-participating landowners, and that recommends measures that may be used as conditions by the Board of Supervisors to minimize noise impacts. The noise study shall document compliance with the A- and C-weighted decibels maximum level requirements of this subsection.

e. The Applicant shall provide an independent written test of actual noise produced by the project upon completion, and every two subsequent years after the project is completed, to document compliance with the noise standards in this subsection. If the project will involve more than 10 total wind turbines, then the noise study shall also be completed after each 10 wind turbines are put into service. If the testing finds that the noise levels in this subsection are being violated, then the owner of the wind turbines shall immediately take the wind turbines out of service until such modifications, replacements, or repairs are made to the wind turbines as are required or necessary to make them comply with the noise levels of this subsection.

f. In addition to the noise studies provided above, at any time when the Zoning Officer has reasonable cause to believe that the noise limits of this subsection are being violated, the Zoning Officer may request that the operator or its authorized agents conduct its own tests to ascertain compliance with the noise limits. The Township may also perform its own testing at the operator's costs. The facility operator shall assist with the testing.

g. If the Township institutes an enforcement action because of a violation of the noise limits, and if the owner is found liable for the violation in a civil enforcement proceeding, then in addition to any other rights or remedies available to the Township, the judgment shall require the owner of the project to pay all of the Township's costs and expenses to prove non-compliance with the noise requirements, including the tests to determine the noise levels. Such costs shall be paid within 30 days by the facility owner after the final judgment. In the event the facility owner does not pay such costs within 30 days, the Township may pursue appropriate remedies at law or equity to recover such costs and expenses from the owner, including placing a municipal lien against the property upon which the project is located. By authorizing the facility owner to make application, the landowner consents to the ability of the Township to place a lien against the land in the event of a violation.

3. Vibrations. A wind turbine may not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located. Wind turbines may not cause airborne vibrations which are perceptible to people or structures.

4. Accessory Buildings, Structures and Mechanical Equipment.

a. When an accessory building or structure is necessary, it shall comply with the principal building requirements of the zoning district in which it is located.

b. Accessory buildings, structures and equipment associated with PWEF shall be screened from any adjacent property that is residentially zoned or used for residential purposes under Section 803. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.

c. The design of accessory buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend into the natural setting and existing environment.

5. Underground Requirements. On-site transmission and power lines between wind turbines shall be placed underground.

6. Utility Notifications. The owner of a PWEF shall provide the Township with written confirmation that the public utility to which the PWEF will be connected has been informed of the intent to install a grid connected system and approved of such connection.

7. Signage. PWEF may not display advertising, except for reasonable identification of the turbine manufacturer, facility owner or operator.

8. Lighting. PWEF may not be artificially lighted, except to the extent required by the Federal Aviation Administration, the Pennsylvania Department of Transportation Bureau of Aviation (BOA) or other applicable authority that regulates air safety.

9. Color.

a. PWEF shall be painted a non-reflective, flat color such as white, off-grey, or grey unless required to be colored differently by FAA or BOA regulations.

b. The design of buildings and related structures shall, to the extent reasonable, use materials, colors, textures, screening, and landscaping that will blend the PWEF into the natural setting and existing environment.

10. Braking System. All PWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation may not be considered a braking system for overspeed protection.

11. Shadow Flicker.

a. The Applicant shall provide an analysis with a map of the shadow flicker impacts of the project upon any non-participating landowner's property that will be impacted by this effect. The analysis shall be conducted by a qualified professional using generally accepted modeling methods and shall estimate the number of hours per year that a non-participating landowner's property will be impacted by shadow flickering. No lot line of a non-participating landowner's property shall be affected by shadow flicker for a total of more than 20 hours per year, and no more than 30 minutes per day. Such analysis shall include recommendations for conditions that may be established by the Board of Supervisors to minimize the number of affected non-participating landowner's properties, the hours affected and the severity of the impacts from shadow flicker. This provision shall not apply to an affected property if a written and signed waiver is provided by the owner of said property.

b. A PWEF shall be designed in such a manner as to not cause shadow flicker on a roadway.

12. Location. No part of any PWEF shall extend over parking areas, access drives, driveways, or sidewalks. No blade or any component part of a PWEF shall extend beyond the boundaries of the zoning district in which it is located. Wind turbines shall be separated from each other by a minimum distance of five times the diameter of the rotors.

13. Insurance. The PWEF owner or operator shall maintain a current general liability policy covering (minimum limits):

a. \$1,000,000 of personal or bodily injury to or death of any person.

b. \$3,000,000 for personal or bodily injury to or death of any number of persons arising from any one occurrence.

c. \$1,000,000 dollars for any instance of property damage.

d. An umbrella liability insurance coverage shall also be maintained with coverage to be not less than \$3,000,000 for each occurrence and \$3,000,000 in the aggregate.

Certificates of insurance for the above required coverage shall be provided to the Township annually.

14. Ice Throw. The potential ice throws or ice shedding for a PWEF may not cross the property line on which a PWEF is located nor impinge on any right-of-way or overhead utility line.

15. Electronic Interference. The facility owner and operator shall ensure that the design and operation of any PWEF avoids any disruption or loss of radio, telephone, television, cell, Internet, VOR signalization for aircraft, or similar signals, and shall mitigate any harm caused by the wind energy facility.

16. Lot Size. For a tract of land to be eligible for a PWEF, it shall have a minimum lot size of three acres for each wind turbine.

17. Setback Distances.

a. Wind turbines shall be set back from the nearest occupied building or non-occupied building on the participating landowner's property a distance not less than the setback requirements for the zoning district in which it is located for a principal building or two times the turbine height, whichever is greater. The setback distance shall be measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied building or non-occupied building.

b. Wind turbines shall be set back from the nearest occupied building or non-occupied building located on a non-participating Landowner's property a distance of not less than five times the turbine height, or 1,500 feet, whichever is greater as measured horizontally from the center of the wind turbine base to the nearest point on the foundation of the occupied or non-occupied building.

c. All wind turbines shall be set back from the nearest property line a distance of not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.

d. All wind turbines shall be set back from the nearest public road a distance not less than the setback requirements for a principal building in the zoning district in which it is located or two times the turbine height, whichever is greater, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base.

e. Each wind turbine shall be set back from above-ground power lines, public telephone lines and television cable lines a distance no less than two times its total height. The setback distance shall be measured from the center of the wind turbine base to the nearest point on such lines.

f. Wind turbines shall be set back at least 1,500 feet from important bird areas as identified by Pennsylvania Audubon and at least 500 feet from identified wetlands.

g. Each wind turbine shall be set back from any historic structure, district, site or resource listed in the state inventory of historic places maintained by the Pennsylvania Historical and Museum Commission and all airports and heliports a distance of not less than 2,500 feet. The distance shall be measured from the center of the wind turbine base to the nearest point on the foundation of an historic building, structure or resource, or the nearest property line of an historic district, site, runway or helipad.

h. The base of any wind turbine shall be setback 500 feet from the centerline of a perennial waterway and 2,000 feet from the average water level of a public water supply reservoir.

18. Height. The maximum wind turbine height may not exceed 450 feet and must comply with all regulations imposed by the FAA.

19. Visual Impact and Analysis.

a. Where wind characteristics permit, wind turbines shall to the greatest possible extent be set back from the tops of visually prominent ridgelines.

b. Wind energy facilities shall be designed and located to the greatest extent possible to minimize adverse visual impacts to locations throughout the municipality.

c. The Applicant shall provide a visual analysis of the project. The analysis shall include a three-dimensional computer-generated surface model that accurately depicts the wind turbines in proper scale and location in relationship to the surrounding terrain from not less than 10 different locations within the Township as selected by the Board of Supervisors. The 10 locations shall include any combination of public roads and public and private properties that may experience the greatest visual impacts. The Applicant shall also be required to conduct a subsequent balloon test at the 10 selected locations to confirm the visual impact of the three-dimensional computer-generated surface model. Public notice as defined under the Pennsylvania Municipalities Planning Code shall be required regarding the time and dates of balloon test.

20. Property Values. The Applicant shall submit an analysis by a qualified appraiser of the actual impacts upon residential property values of a similar set of wind turbines in a mostly rural community within the United States. Such analysis shall compare changes in property values of impacted dwellings to changes in property values of non-impacted dwellings over the same time period. Properties within a one-mile radius of a wind farm shall be considered, as well as properties outside that radius. The study shall be completed by an appraiser who has an active MAI, SRA or SRPA certification from the appraisal institute. The appraiser must also have a Pennsylvania appraiser license.

21. Warnings.

a. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

22. Safety and Security.

a. All access doors to wind turbines, including electrical equipment outbuildings and all appurtenances thereto shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

b. The minimum distance between the ground and any part of the wind rotor blade shall be 30 feet.

c. To limit climbing access, a six-foot high fence with a locking gate shall be placed around the PWEF.

d. Wind turbines' climbing apparatus shall be limited to no lower than 15 feet from the ground or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.

23. Use of Public Roads.

a. The Applicant shall identify all state, county, and local public roads to be used within the Township to transport equipment and parts for construction, operation, or maintenance of the PWEF.

b. The Township Engineer or a qualified third-party engineer selected by the Township and paid for by the Applicant, shall document road conditions prior to construction. The documentation shall include photographs and video recordings of all approved travel routes to substantiate the report. The Applicant shall ensure a municipal official delegated by the Board of Supervisors is present when photographs and video tapes are taken. Copies of the inspection report, photographs, and video tapes shall be submitted to the Township. The Township Engineer shall document road conditions again 30 days after construction is complete or as weather permits. The Applicant is responsible for all repairs and remediation of any damaged roads resulting from the installation or subsequent maintenance of a wind energy facility. Such repairs and remediation shall be completed within 30 days from the time of damage unless a greater amount of time is approved by the Board of Supervisors.

c. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the Applicant's expense.

d. A bond shall be posted by the Applicant to compensate the Township for any damage to Township roads in compliance with state regulations. An improvement and maintenance agreement shall also be entered into between the operator and the Township in a form acceptable to the Township Solicitor to ensure that if any roads are damaged the operator shall be responsible for their replacement or repair.

e. The Applicant shall demonstrate that it has appropriate financial security to ensure the prompt repair or replacement of damaged roads.

f. Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation must be kept to a minimum. Private entrance roads to PWEF shall be maintained in a mud-free condition.

24. Local Emergency Services.

a. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including Township designated emergency service providers.

b. The facility owner and operator shall abide by all applicable local, state, and federal fire code and emergency guidelines.

c. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the PWEF.

d. The facility owner and operator shall maintain a phone number and identify a responsible person for emergency contact.

25. Performance Standards. The performance standards of this Section shall regulate all PWEF instead of the environmental protection regulations of Chapter 5 to the extent of any conflict.

26. SALDO. All PWEF shall constitute a subdivision or land development.

27. Decommissioning.

a. The facility owner and operator shall complete, at their own expense decommissioning of the PWEF or individual wind turbines, and all related improvements, within 12 twelve months after the end of the useful life of the facility or individual wind turbines, or when the use has been discontinued or abandoned by the facility owner and operator. The PWEF or individual wind

turbines will be presumed to be at the end of its useful life, discontinued or abandoned if no electricity is generated for a continuous period of 12 months.

b. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, transmission lines and any other associated facilities.

c. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing and receives written approval from the municipality that the access roads, or other land surface areas not be restored.

d. 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"). The estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.

e. The facility owner or operator shall post and maintain decommissioning funds, representing a financial guarantee in an amount equal to net decommissioning costs, provided that at no point shall decommissioning funds be less than 110 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or Commonwealth of Pennsylvania chartered lending institution chosen by the facility owner or operator and participating land owner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania and is approved by the Township.

f. 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. If the facility owner or operator fails to complete decommissioning within the six-month period, then the landowner shall have six months to complete decommissioning.

h. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed above, then the Township shall have the authority to take such measures as necessary to secure and utilize decommissioning funds to complete decommissioning activities. The entry onto and submission of evidence of a participating landowner agreement to the municipality 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. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

SECTION 403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

403.A. Unattached Accessory Structures.

1. Dimensional Table. Unattached accessory structures shall only be permitted in a side or rear yard of a lot and shall meet the minimum yard setbacks provided for a principal structure under Section 307 except as follows:

Type of Accessory Structure	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height	Maximum Floor Area
Residential	8 feet*	8 feet*	25 feet	1600 sq. ft.**
Non-residential	10 feet	15 feet	25 feet	2400 sq. ft.

*The minimum side and rear setback may be reduced to three feet for a residential accessory storage shed having a total floor area of less than 150 square feet. No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings).

**Accessory residential buildings on less than two acres shall have a maximum floor area of 1,000 square feet and not more than two are allowed on the lot.

2. Exceptions. The requirements in the Table under 403(A)(1) do not apply to permitted:

- a. Porches and decks under Section 803.
- b. Swimming pools under Section 403.
- c. Surface parking lots.
- d. Fences.
- e. Accessory signs.

403.B. Attached Accessory Structures. When an accessory structure is attached to a principal building, the attached structure shall be considered part of the principal building and shall comply with the requirements of this Ordinance governing principal buildings.

403.C. Unattached Accessory Structures. An accessory structure may not be permitted on a lot without a principal structure. For example, a person may not construct a private garage on a vacant residentially zoned lot without first constructing a residential dwelling on that lot.

Another example, outdoor storage is prohibited for a nonresidential use on a vacant lot, without a principal building on the lot and then only when the storage complies with the requirements of this Ordinance.

403.D. Special Standards. Each accessory use shall comply with the following standards listed for that use:

1. Antenna, Standard (non-commercial). (include amateur radio antenna)

a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 30 feet.

b. Anchoring. An antenna shall be properly anchored to resist high winds.

2. Bees, Keeping of.

a. Facilities for the keeping of bees shall be setback a minimum of 40 feet from any lot line and shall be fenced if within 100 feet of a lot line. Signs shall be erected as necessary to warn persons of the presence of bees.

b. The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.

3. Chickens, Keeping of.

a. No more than six chickens are permitted on a property except when part of a permitted agricultural operation.

b. No roosters are permitted on a property except when part of a permitted agricultural operation.

c. All chickens must be housed in a predator resistant structure with access to outdoor spaces secured to prevent them from leaving the property.

d. All structures and runs shall be setback at least 20 feet from an adjoining property and public street.

e. Slaughtering of chickens is prohibited except when permitted as part of an industrial slaughterhouse.

f. The keeping of more than six chickens as an accessory use to a residential dwelling is permitted in the CO and R zoning districts when the property is part of an active agricultural operation.

4. Composting as a principal or accessory use. (other than raising of mushrooms)

a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off the property.

b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.

c. Any composting of manure shall be restricted to lots of five acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.

d. Setbacks. Composting areas greater than one acre shall be setback 75 feet from lot lines of abutting residential lot lines.

4. Day Care, Child. (Accessory to a Dwelling).

a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a "Family Day Care Home" or a "Group Day Care Home".

b. In any case, seven or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single-family detached dwelling with a minimum lot area of one acre and a 20 feet minimum setback from all existing dwellings on another lots. Four to six children, in addition to children who are "related" to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.

c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.

d. Any day care center involving seven or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.

e. The use shall be actively operated by a permanent resident of the dwelling.

f. If four or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.

g. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a "Place of Worship" of Section 402 SS.

h. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Human Services (DHS) (or its successor agency) registration certificate or license if required by such agency.

i. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.

5. Drive-Thru or Drive-In facility.

a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

b. On-lot traffic circulation and parking areas shall be clearly marked.

c. No drive thru window shall be in a front yard.

d. The drive thru shall have direct access to a public street.

e. A parking lot shall be designed to provide the following minimum queue length depending on the use and may not block access points, dumpster enclosures, crosswalks, or parking spaces for uses having drive-in or drive thru facilities:

USE	QUEUE LENGTH	MEASURED FROM
Call Box or Access Box	100 feet	Call Box or Access Box
ATM, Stand-alone	150 feet	ATM
Drive Thru Restaurant or Financial Institution	250 feet	Last Window
Car Wash and All Other Drive-in or Drive Thru Uses	300 feet	Stop Line Prior to the Car Wash Building and for All Other Uses to the center of the last Window

f. Drive thru lanes shall have a minimum width of 10 feet. In addition, a bypass lane with a minimum width of 12 feet shall be provided to allow motorists an opportunity to exit the drive thru lane and re-enter the parking lot.

g. Stacking shall not interfere with normal traffic flow within the lot nor shall it cause stopping of vehicles on any public street or right-of-way.

h. These requirements shall also apply to a retail sales establishment where the principal use is by way of a drive thru or drive in.

6. Fences and Walls. A fence or wall shall be permitted in any yard subject to the following requirements:

a. Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except where buffer plantings are required by Section 803. Where no setback is required, a one foot or greater setback shall provide for future maintenance of the fence.

b. Residential (including VC District). Residential fences in the VC district shall have a maximum height of five feet in a front yard and six and a half feet in the sides and rear yards. Fences in the front yard shall be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas; and be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron, vinyl posts or other material that closely resembles wood or wrought iron.

c. Non-Residential (excluding VC District). Non-residential fences shall have no maximum height.

d. Corner Lot. On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence may not be required to comply with minimum setbacks for accessory structures.

e. Materials. Fences shall be constructed with industry recognized materials designed to provide a permanent enclosure. Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. No barbed wire, electric, or other potentially injurious or hazardous material shall be used as fencing or attached to any wall or fence, except for an invisible pet fence or an electric fence used to keep farm animals. An open type of fence (such as picket or split rail) may not be erected when required by this Ordinance to provide enclosure. The side of the fence facing an adjacent property or right-of-way may not depict any artwork, writings or pictures and must be a finished side. Fences or walls that have deteriorated shall be replaced or removed.

f. Walls.

1. Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this Section and are permitted by right as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be setback a minimum of 25 feet from all lot lines. This additional

setback does not apply if the retaining wall would not be visible from an existing or future dwelling on an abutting lot.

2. No wall of greater than three feet shall be in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.

3. A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback.

4. Walls that are attached to a building shall be regulated as a part of that building.

f. Clear Sight Triangle. No fence, wall or hedge shall obstruct the sight requirements of Section 803(C).

7. Garage Sale.

a. See definition Section 202. A garage sale may not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.

b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than two days total in any three consecutive months.

c. The use shall be clearly accessory to the principal use.

d. No outdoor storage shall be permitted when the sale is not in operation.

e. No more than seven sales are permitted per year.

8. Home Occupations. All Home Occupations shall meet the following requirements:

a. The use shall be conducted primarily by a permanent resident of the dwelling and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property or operate a vehicle based at the property.

b. The use shall be conducted indoors. No outdoors storage or display related to the Home Occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.

c. The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.

- d. One off-street parking space shall be required for the Home Occupation, plus one space each nonresident employee and the number of spaces required for the type of dwelling unit. The Zoning Hearing Board may require additional off-street parking space depending on the type of use.
- e. The use may not require delivery by tractor-trailer trucks.
- f. No parking shall be permitted in such a way that it creates a safety hazard. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a Home Occupation.
- g. No equipment or machinery shall be permitted that produces noise, noxious, odor, vibration, glare, electrical or electronic interference detectable on another property. The use may not involve the storage or use of hazardous, flammable or explosive substances, other than types and amount typically found on a residential property. The use may not involve the storage or use of "toxic" or "highly hazardous" substances.
- h. A Home Occupation may not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
- i. Any tutoring or instruction shall be limited to a maximum of three students at a time.
- j. A barber or beauty shop may not include any non-resident employees.
- k. The main office of a medical doctor, chiropractor or dentist may not be permitted as a Home Occupation.
- l. A Home Occupation may include one two square foot non-illuminated sign, as permitted by Chapter 7.
- m. The Zoning Hearing Board shall deny a Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
1. If a lot includes over three acres, the Zoning Hearing Board may also permit up to three non-resident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.
- n. The use may not involve manufacturing, other than of custom crafts and sewing. The use may not involve commercial repair of motor vehicles.

o. The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted with a Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.

p. If more than one Home Occupation is accessory to a dwelling, the total aggregate impact of the Home Occupations shall be considered in determining compliance with this Ordinance.

q. A Zoning Permit shall be required for any Home Occupation.

9. No-Impact Home Based Business. A no-impact home based business shall be a permitted use by right in all zones provided that the following requirements are met:

a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

b. The business shall employ no employees other than family members residing within the dwelling unit.

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 and lights.

e. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

f. The business activity may not generate any solid water or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

g. The business activity shall be conducted only within the dwelling unit (no accessory building or structure) and may not occupy more than 25 percent of the habitable floor area.

h. The business may not involve any illegal activity.

i. No Zoning Permit is required for a no-impact home based business.

j. The business may not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, by-law or other document applicable to a common interest ownership community.

use.

10. Outdoor Storage and Display. Commercial or industrial as a principal or accessory

a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.

b. No such storage or display shall occur on areas with a slope in excess of 25percent or within the 100-year floodplain.

c. Screening. See Section 803.

d. Tire Storage. Purpose – To minimize fire, health and vector hazards.

i. For tires not mounted on a motor vehicle, any outdoor storage of more than 15 tires on a lot in residential district or more than 75 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.

ii. The outdoor storage of more than 150 used tires shall be limited to the Industrial District and shall be setback a minimum of 150 feet from all lot lines.

iii. Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.

iv. The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water or that the site is regularly sprayed to minimize vectors.

11. Pets, Keeping of.

a. This is a permitted by right accessory use in all districts.

b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazards or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.

c. On a lot of less than five acres, a maximum combined total of six dogs and cats shall be permitted to be kept by residents of each dwelling unit. However, if a lot includes

three or more apartment dwellings, then the maximum shall be a total of three dogs and cats per dwelling unit.

- i. Such limits shall only apply to dogs or cats over six months in age.
- ii. Any greater number of dogs or cats over six months in age shall need approval as a kennel.
- d. The keeping of one or two total pigeons (except as may be preempted by the State Carrier Pigeon Law), ducks, geese or similar fowl shall be permitted on lot with a minimum lot area of two acres. See "Keeping of Chickens" under Section 403(D)(3).
- e. Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
- f. Minimum lot area is two acres, plus a half acre for each horse in excess of two horses.
- g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include farm animals.
- h. It shall be unlawful on a residential lot to keep any "wild animals" or any "wildlife" as defined by the Pennsylvania Game & wildlife Code and "exotic animals", whether or not an exotic wildlife possession permit has been issued.
- i. No person shall keep a wild or exotic animal in any place except a zoological park, nature preserve, circus, or facility used for educational or scientific purposes or when being treated by a veterinarian (without boarding), which provides proper cages, fences and other protective devices adequate to prevent such animals from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise.
- j. No person shall sell, offer for sale, adopt, exchange or transfer, with or without charge any wild or exotic animal.

12. Portable Storage Containers (PODs), Other Storage Containers and Dumpsters.

a. Containers for Personal Property.

1. A container on a lot for the collection and storage of clothes, shoes, apparel, personal property, or donated items shall only be permitted as an accessory use in the GC and I zoning districts.
2. No advertising shall be depicted or displayed on a container except for the identity and logo of the owner or company providing the container, the type of

donations permitted to be placed in the container, and a brief description of how the donations will be used.

3. A container shall meet the minimum setbacks for an accessory non-residential building under Section 403(A)(1).

4. All containers shall be made of galvanized steel or other similar durable material and securely fastened to prevent movement while being stored on a lot.

5. A container may not be placed within a public right-of-way, access drive, required parking space, or required loading zone.

6. A container may not be located closer than 1,000 feet from another container.

b. Dumpsters.

1. All dumpsters being stored on a lot for regular trash pickup shall comply with Section 805.

2. Hazardous waste may not be stored in a dumpster.

3. Dumpsters must be placed so they do not block the view of motorist pulling.

4. When a dumpster is full to its capacity, it must be removed within 72 hours.

5. No overflow of any trash shall be permitted from the dumpster, nor shall any accumulation of any trash be permitted next to the dumpster.

c. Portable Storage Containers (PODS). Upon any property used for a principal residence, the use of portable storage containers and pods may only be used during construction, remodeling, moving or similar type activities. The use of portable storage containers or pods for permanent storage, storage of vehicles, junk, waste containment or as a dwelling unit is expressly prohibited. The use of portable storage containers or pods on a property may not exceed 90 days during any calendar year. Such containers must be located so as not to block any required sight clearances and shall be at least 10 feet from all lot lines. The Zoning Officer may issue 30-day extensions if it can be shown that the nature of the proposed activity is ongoing and reasonable progress requires additional time with a definitive ending date.

13. Residential Accessory Structure or Use, Parking, Repairs and Vehicles. (see definition in Chapter 2).

a. **Parking of Commercial Trucks.** The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle is used by residents of the dwelling to travel to and from work:

i. The parking of maximum of two vehicles, each of up to 15,000 pounds aggregate gross vehicle weight; or

ii. The parking of one vehicle with an aggregate gross vehicle weight of over 15,000 pounds, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.

b. **Repairs.** Repairs of the following may not occur on a principally residential lot:

i. Trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight; or

ii. Vehicles not owned or leased by a resident of the lot or a "relative" of the landowner.

c. **Unregistered Vehicles.** A maximum of two "unregistered vehicles" shall be kept outside of an enclosed building on a residential lot of less than 50 acres. See also the definition of "junkyard."

14. Retail Sales of Agricultural Products as an Accessory Use.

a. The use shall be an accessory use incidental to crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock.

b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and a family member of the operator. An average of not less than 30 percent of the products sold on-site shall have been produced by the operator or the operator's family. This percentage may vary month to month, provided that the average is met.

c. Off-street parking shall be provided in compliance with the provisions of Chapter 6. No parking shall be permitted in such a way that it creates a safety hazard.

d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.

e. **Signs.** See Section 709.

f. No stand shall be located closer than 50 feet from a lot line of an existing dwelling; 25 feet from any other lot line; or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection point of street rights-of-ways at a street

intersection, unless the sales occur within a dwelling or barn than existed prior to the adoption of this Ordinance.

g. A maximum total of 10,000 square feet of building floor area shall be used for such use.

h. The use may occur within an existing dwelling, a barn, or a separate stand. A stand must be maintained in good condition.

i. The retail sales shall be located on land by the operator of the market or upon a tract of five acres or more which the operator of the market actively farms.

j. The Applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.

15. Swimming Pool, Household. (referred hereafter as "pool").

a. Swimming pools, including spas and hot tubs shall be in the rear yard of a lot as an accessory structure or use.

b. The swimming pool, including spas and hot tubs and all accessory buildings and structures such as a pool house, deck, and sidewalks shall be setback a minimum of 15 feet from all property lines. The setback shall include the deck, pad or apron around the pool.

c. All swimming pools capable of containing water to a depth, at any point, in excess of 24 inches and all spas and hot tubs shall be enclosed, except that spas or hot tubs with a lockable safety cover need not be enclosed.

d. In-Ground Swimming Pools.

i. Except for the portion of the swimming pool having direct access from a dwelling, the swimming pool, or the entire lot upon which the pool is located, shall be enclosed with a permanent fence not less than four feet in height, which includes an access gate secured with a lock.

ii. The fence shall not have any openings, holes or gaps larger than six inches in any dimension, and if a picket fence is erected or maintained, the horizontal or vertical dimension of space between pickets shall not exceed six inches. A dwelling house or accessory building may be used as part of the enclosure.

iii. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely

closed at all times when not in actual use, except that the door of any dwelling which forms a part off the enclosure need not be so equipped, but must contain a lock. Pedestrian access gates shall open outward away from the swimming pool and shall be self-closing and have a self-latching device. Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

iv. Where a swimming pool has direct access from a dwelling, doors and operable windows with a sill height of less than 48 inches, that provide direct access to the swimming pool through the wall shall be equipped with an alarm that produces an audible warning when the door or its screen or window, is opened.

e. Above-Ground or On-Ground Swimming Pools.

i. An above-ground swimming pool shall be enclosed with a permanent fence not less than four feet in height which includes a gate secured with a lock, or in lieu of a fence, a swimming pool barrier not less than four feet in height. The fence or swimming pool barrier may include the swimming pool wall or a building wall, which equals or exceeds a height of four feet. Swimming pool barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

ii. Access into an above-ground swimming pool which includes a deck shall also be secured by a gate with a lock. Above-ground swimming pools without access from a deck shall include removable or locking retractable steps or any similar device which prohibits uncontrolled access into the swimming pool when not in use. Shrubbery is not to be considered a barrier.

iii. Where a swimming pool has direct access from a dwelling, doors and operable windows with a sill height of less than 48 inches, that provide direct access to the swimming pool through the wall shall be equipped with an alarm that produces an audible warning when the door or its screen or window, is opened.

f. Swimming Pool Infiltration Systems. Except for on-ground inflatable portable swimming pools, all other swimming pools shall have an operable filtration system utilizing chlorine, bromine or some other disinfectant.

g. Pumping, Draining or Backwashing of Swimming Pools. The pumping, draining or backwashing of swimming pool water in such a manner as to cause it to spill onto a street or adjoining property is prohibited. No swimming pool water containing chlorine shall be permitted to be drained into the stormwater system, or any water of the Commonwealth of Pennsylvania.

h. Swimming pools shall conform to all manufacturer recommendation and specifications and all other state and federal regulations.

i. Ornamental Ponds or Wading Pools. Ornamental ponds and wading pools are permitted accessory residential uses permitted by right, provided they comply with the following:

i. The use shall comply with the side and rear yard unattached accessory building setbacks under Section 401(A)(1), and the minimum front yard setbacks for a principal building in the zoning district in which the lot is located.

ii. No impoundment shall contain more than 500 gallons. No impoundment shall have a length or diameter exceeding 10 feet nor a maximum depth exceeding three feet.

iii. All ponds or wading pools shall be maintained to not pose a nuisance by reason of odor or the harboring of insects.

iv. No ponds shall be used for the commercial hatching of fish or other species.

16. Unit for Care of Relative.

a. The use shall meet the definition in Section 202.

b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.

c. The Applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom, permitted Home Occupation area or similar use. A Unit for Care of Relative shall not be allowed in a separate detached building. The Unit for Care of Relative shall be physically attached to the principal dwelling unit. A garage may not be converted into a Unit for Care of Relative if the garage is needed as a required parking space for the dwelling.

d. The Applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.

e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.

f. Such accessory unit may not decrease the one family residential appearance of a single-family dwelling, as viewed from exterior property lines.

g. Additional parking for the accessory unit is not required if the Applicant proves that the residents of the accessory unit do not own, lease, or operate a vehicle.

17. Solar for Electricity Generating, Accessory or Accessory Solar Energy Systems (ASES).

a. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the UCC, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

b. ASES installers must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:

i. Is certified by the North American Board of Certified Energy Practitioners (NABCEP) for PV installation.

ii. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.

3. For residential applications, a registered home improvement contractor with the Attorney General's Office.

c. Upon completion of installation, the ASES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the ASES was constructed. Failure of the owner to maintain the ASES in good working order is grounds for enforcement action by the Zoning Officer under this Ordinance.

d. All on-site utility, transmission, and plumbing lines shall be placed underground.

e. The display of advertising is prohibited except for a nameplate and identification sign constructed under Chapter 7.

f. Glare.

i. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby properties, structures, buildings, or roadways.

ii. The Applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

g. If a solar easement, intended to guarantee unobstructed solar access, is desired by the Applicant, owner or landowner for an ASES, such matter shall be carried out as a private agreement among the parties of which the Township may not be a party. The Township shall also not be responsible for ensuring the maintenance or enforcement of any solar easement.

h. Roof or Wall Mounted ASES.

i. Location. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

ii. Setbacks.

I. Wall mounted ASES shall comply with the setbacks for an accessory structure under Section 403(A)(1).

II. Roof mounted ASES may not extend beyond any portion of the roof edge.

iii. Height. ASES mounted on roofs or walls of any building shall be subject to the maximum height requirement specified for a principal building within the zoning district in which it is located.

iv. Code Compliance. For roof and wall mounted systems, the Applicant shall provide evidence that the plans comply with the UCC and that the roof or wall must be capable of holding the load imposed on the structure. Applications for roof mounted ASES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the ASES.

i. Ground Mounted ASES.

i. Setbacks.

I. The minimum yard setbacks from side and rear property lines shall comply with the required setbacks for a principal structure setback of the zoning district in which it is located.

II. Ground mounted ASES are prohibited in front yards, between the principal building and the public street, excluding front yard locations which are located not less than 200 feet from the front property line.

ii. Height. Freestanding ground mounted ASES shall not exceed 20 feet in height above the ground elevation surrounding the systems.

iii. Maximum Impervious Surface.

I. The surface area of the arrays of a ground mounted ASES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the percentage of impervious cover. ASES may not exceed the maximum impervious cover for the zoning district in which it is located.

II. If applicable, the Applicant shall submit a Stormwater Management Plan that demonstrates compliance with the m stormwater management regulations.

iv. Screening. Ground mounted ASES when located less than 50 feet from a property line shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screening shall be in accordance with Section 803.

j. Safety and Warning Devices. Appropriate safety and warning signage concerning voltage shall be affixed to ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

k. Location Restrictions. A ground-mounted ASES may not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other location on the property that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

18. Windmill for Electricity Generating Accessory or Accessory Wind Energy Facilities.
(AWEF).

a. Compliance Standards. The layout, design and installation of AWEF shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Notske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with the UCC and all

applicable building and electrical codes of the municipality. The manufacturer specifications shall be submitted as part of the permit application.

b. Noise.

i. The sound produced by an AWEF shall not exceed 45 dBA Lmax as measured at the property line at ground level.

ii. Methods for measuring and reporting acoustic emissions from AWEF shall be equal to or exceed the minimum standards for precision described in ANSI/ASA S12.9 Part 3, Short Term Measurements with an Observer Present; S 12.100, Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas; and Computer Modeling shall comply with ANSI/ASA S12.6 (ISO9613-2) Attenuation of sound during propagation outdoors- Part 2 General method of Calculation.

c. Accessory Building Storage. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall comply with accessory building requirements of Section 403(A)(1).

d. Underground Requirements. All on-site utility, transmission lines, and cables shall to the maximum extent possible be placed underground.

e. Utility Notification. The owner of an AWEF shall provide the municipality with written confirmation that the public utility to which the AWEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid AWEF shall be exempt from this requirement.

f. Signage. The display of advertising is prohibited, except for the identification of the manufacturer of the system.

g. Lighting. AWEF may not be lit, except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations.

h. Colored. AWEF shall be painted a non-reflective, flat color such as white, off grey or grey unless required to be colored differently by FAA or BOA regulations.

i. Braking System. AWEF shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation may not be considered a sufficient braking system for overspeed protection.

j. Shadow Flicker. An AWEF shall not cause shadow flicker on any occupied building on a non-participating landowner's property.

k. Location. No part of any AWEF shall extend over parking areas, access drives, driveways or sidewalks.

l. Insurance. The owner of the AWEF shall provide evidence to the municipality that the owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the AWEF.

m. Ice Throw. The potential ice throws or ice shedding for an AWEF shall not cross the property line of the lot on which the AWEF is located nor impinge on any right-of-way or overhead utility line.

n. Electronic Interference. The owner of the AWEF shall ensure that the design and operation of the AWEF avoids disruption or loss of radio, telephone, television, cell, internet, VOR signalization for aircraft or similar signals, and shall mitigate any harm caused thereby.

o. Warnings.

i. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers.

ii. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along guy wires up to a height of 10 feet above the ground.

p. Ground Mounted AWEF.

i. The minimum lot size is two acres.

ii. The maximum height of an AWEF is 80 feet.

iii. The minimum ground clearance for an AWEF is 80 feet.

iv. An AWEF shall be set back from property lines, occupied dwelling, above ground utility lines, railroads, and rights-of-ways by a distance equal to or no less than one and a half times the total height of an AWEF.

v. No more than one ground mounted AWEF shall be permitted per lot or contiguous lots in common ownership.

vi. A ground mounted AWEF shall be prohibited in front yards, between the principal building and the street right-of-way. The minimum distance between the ground and the wind rotor blade shall be 20 feet.

vii. An AWEF shall be surrounded by a six-foot high fence if the AWEF is not otherwise rendered unclimbable up to 12 feet above the ground.

q. Building Mounted AWEF.

i. A building mounted AWEF may be located on any lot regardless of lot size.

ii. A building mounted AWEF shall comply with the height restriction of the zoning district in which it is located for a principal building.

iii. No more than one building mounted AWEF shall be permitted on a lot, or a contiguous lot in common ownership.

iv. The Applicant shall provide evidence to the municipality that the plans for a building mounted AWEF comply with the UCC and other adopted building

19. Outdoor Wood Fired Burners.

a. Installation of outdoor wood fired burners. An outdoor wood fired burner shall be permitted by special exception in the CO, R, LDR, and R/MDR zones and shall installed as follows:

i. Located at least 100 feet from any building or occupied structure.

ii. Installed under the UCC and in accordance with manufacturer's specifications and instructions.

iii. Demonstrated that the chimney of the outdoor wood fired burner is the greater of 30 feet in height or five feet in excess of the height of any occupied structure within 300 feet not located on the lot on which the outdoor wood fired burner will be located.

iv. Demonstrated that the outdoor wood fired burner has been laboratory tested and listed to appropriate safety standards such as (UL) (Underwriters Laboratories) and ANSI (American National Standard Institute) standards.

b. Use of outdoor wood fired burners. Each person who owns a lot on which an outdoor wood fired burner is located and each person who occupies a lot on which an outdoor wood fired burner is located shall be responsible to ensure that the outdoor wood fired burner is operated under the following requirements:

i. The only substance that may be burned in an outdoor wood fired burner is clean wood.

ii. None of the following shall be burned in an outdoor wood fired burner:

- I. Any wood that does not meet the definition of clean wood.
- II. Tires.
- III. Lawn clippings or yard waste.
- IV. Materials containing plastic.
- V. Materials containing rubber.
- VI. Waste petroleum products.
- VII. Paints and paint thinners.
- VIII. Coal.
- IX. Any type of paper.
- X. Construction and demolition debris.
- XI. Plywood.
- XII. Particleboard.
- XIII. Saltwater driftwood.
- XIV. Manure.
- XV. Animal carcasses.
- XVI. Asphalt products.
- XVII. Used cooking oils.

iii. The outdoor wood fired burner shall be operated and maintained in accordance with the manufacturer's specifications.

iv. The outdoor wood fired burner shall be maintained and operated in compliance with all emissions of air quality standards promulgated by the U.S. Environmental Protection Administration (EPA).

v. The emissions from the outdoor wood fired burner shall not be detectable beyond the lot on which the outdoor wood fired burner is located,

interfere with the reasonable enjoyment of life or property of neighbors, cause damage to vegetation or property of neighbors, or be harmful to human or animal health.

vi. The outdoor wood fired burner shall not be operated before October 1 or after April 30 of each calendar year.

vii. The installation must be inspected and approved by the fire chief and be installed in accordance with the fire code.

CHAPTER 5 ENVIRONMENTAL PROTECTION

SECTION 501. EROSION CONTROL. Any person performing earth disturbance shall utilize measures to prevent soil erosion and sedimentation of creeks and adjacent lands.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. Any earth disturbance over 20,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the Pike County Conservation District.

501.C. See state erosion control regulations (Note: as of 2001, in 25 PA. Code Chapter 102).

501.D. If any earth materials are removed from a site (such as a borrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

SECTION 502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

502.A. No person shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or federal permit.
4. Risks to public health and safety, such as explosion, fire or biological hazards.
5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Section, then the Zoning Officer may require an Applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

502.C. Notice. Uses storing or utilizing hazardous materials shall provide notice and list of those materials, including location and storage requirements to the Township and the Township designated fire company.

SECTION 503. WETLANDS AND LAKES.

503.A. Lot Area. Wetlands (as officially defined under federal and state regulations) and lakes may not be counted toward the minimum lot area of any lot or tract of land.

503.B. Wetland Studies. It shall be the responsibility of each Applicant to determine whether land areas proposed for alteration meet the federal and state definitions of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the Applicant provide a suitable wetland delineation study prepared by a qualified professional.

503.C. Wetland Setbacks. No principal building, on-lot septic system, or vehicle parking area shall be placed within 25 feet from any wetland.

SECTION 504. FLOOD-PRONE AREAS ("Floodplains").

504.A. The Township Floodplain Ordinance, as amended, shall apply. However, if specific provisions of this Ordinance and the Floodplain Ordinance conflict in regards to the same matter, the most restrictive provision upon the development shall apply.

SECTION 505. NOISE.

505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/District (dBA means "A" weighted decibel)

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Labor Day and Memorial Day	1) 62 dBA
	2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Year's Day, Easter Sunday, Labor Day and Memorial Day	2) 55 dBA
At any Other Lot Line	All times and days	70 dBA

505.B. The maximum permissible sound level limits set forth in the above table may not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Public celebrations specifically authorized by the Board of Supervisors or a County, state or federal government agency or body.
6. Unamplified human voices or the sound of a single animal.
7. Routine ringing of bells and chimes by a place of worship or Township clock.
8. Vehicles operating on a public street, railroads and aircraft.

SECTION 506. SETBACK FROM BODIES OF WATER.

506.A. No new or expanded building and no new or enlarged off-street parking area or commercial or industrial storage area shall be located within:

1. 100 feet from the average water level of the Delaware River.
2. 100 feet from the top of bank of the Bushkill Creek, Toms Creek, Little Bushkill Creek or Saw Creek.
3. 75 feet from the top of bank of all other perennial waterways, lakes, ponds and other bodies or surface water.

506.B. Any street or driveway crossing of a perennial natural watercourse shall be approximately perpendicular to the watercourse, to the maximum extent possible.

506.C. The following are exempt from the provisions of Section 506(A):

1. This Section does not prohibit the construction of a single-family detached dwelling on an existing lawful lot of record if the Applicant proves to the Zoning Officer that it is infeasible to comply with the setbacks of this Section. In such case, the

Applicant shall provide proof that the dwelling is at the greatest distance from the creek or river that is possible. All such applications shall be provided to the Township Planning Commission comments shall be forwarded back to the Zoning Officer within 30 days of receipt.

2. This Section may not prohibit the construction of scenic observation towers as part of a resort.

506.D. Stream Buffers. Stream buffers shall be provided along all perennial waterways, lakes, ponds and other bodies of surface water. The total buffer shall measure 75 feet from the top of bank and shall consist of two distinct areas.

1. Buffer Area 1 shall be the first 50 feet measured from the top of bank of the body of water. There is a prohibition on earth disturbance, cutting of vegetation or the placement of fill of any type in this portion of the stream buffer, with the exception of stormwater conveyances required under the Township's Stormwater Management Ordinance, PA DEP Chapter 102, stream crossing permitted under Chapter 105, stream and stream buffer restoration projects and permitted activities identified in the Township's Floodplain Management Ordinance.

2. Buffer Area 2 shall be measured 25 feet from the terminus of Buffer Area 1. In Buffer Area 2, activities that will enhance the quality of the stormwater being discharged from the site are allowed, except in environmentally sensitive areas such as wetlands and steep slopes greater than 15 percent. In these environmentally sensitive areas, the exceptions outlined in Buffer Area 1 shall be allowed. Activities permitted in designated floodplains in Area 2 must comply with the Floodplain Management Ordinance.

SECTION 507. CONTROL OF LIGHT AND GLARE.

507.A. Street Lighting Exempted. This Section may not apply to street lighting that is owned, financed or maintained by the Township or the State.

507.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation may not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.

507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.

507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.

507.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property may not cause a spillover of light onto a residential lot than exceeds 0.2 foot-candles at the residential property line. Exterior lighting may not cause a nighttime spillover of light that exceeds five horizontal foot-candles onto a street.

507.G. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and shielded by the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

SECTION 508. STEEP SLOPES. The provisions of the Township Subdivision and Land Development Ordinance shall apply.

SECTION 509. SEWAGE AND WATER SERVICES.

509.A. Central Water Service. A use may not be served by "Township-Approved Central Water Service" unless:

1. All applicable requirements of State regulations and the Township Subdivision and Land Development Ordinance are met;
2. The Applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator; and
3. The Applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

509.B Central Sewage Service. A use may not be served by "Township-approved central sewage service" unless:

1. All applicable requirements of State regulations and the Township Subdivision and Land Development Ordinance are met;
2. The Applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator; and
3. The Applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

509.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system include appropriate utility easements and rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.

2. At the time of subdivision or land development approval, the Board of Supervisors may request that agreements be established so that a central water or sewage system is dedicated to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to post a bond to guarantee proper operation of a system for at least two years after dedication.

509.D. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system to handle the proposed flow.

509.E. Water Studies.

1. Purpose. To provide the Township with information to evaluate the impact a proposed development will have upon groundwater resources. To make sure that adequate water supplies will be available to service a proposed development without negatively impacting adjacent uses dependent upon the same water source.

2. A hydrogeologic study shall be required to be submitted by the Applicant whenever a proposed use, subdivision or land development will involve total average water usage of groundwater or spring water after build-out exceeding 10,000 gallons per day.

3. See also the provision of Section 306 and 402 concerning withdrawals of spring water and groundwater for off-site use.

4. Credentials. The study shall be prepared by a professional geologist or professional engineer with substantial experience in preparing similar studies. Before any person or entity is engaged to prepare the study, the Applicant shall submit written credentials of the individual who will direct the study. The Board of Supervisors shall then have a maximum of 45 days from the date of receipt to the Township to determine whether the individual's credentials are acceptable. The Board of Supervisors may also pre-approve a written list of individuals who are known to be qualified to complete these types of studies.

5. The hydrogeological study at a minimum shall include the following:

a. A location map for the proposed development showing proximity to waterways, lakes and major roads.

b. A proposed 30-day average rate and maximum daily rate of groundwater or spring water withdrawal from each water source.

c. A map showing water withdrawal points.

d. An analysis of the impacts of the water withdrawal upon the groundwater supply and upon uses and creek levels within a one-half mile radius of the project, including agricultural activities.

e. The analysis shall consider impacts during both normal conditions and drought conditions. Drought conditions shall be documented.

f. The Board of Supervisors may require that the study include the construction of test wells to determine the impacts. The level, rates, dates and times of water measurements shall be provided, and weather conditions shall be documented. The impacts upon a reasonable sampling of existing wells shall be recorded, provided that the owners of such wells grant permission for such studies.

6. If the Township determines that the water withdrawal could have a significant negative impact upon existing water users, as a condition of any development approval, the Township may require that the Applicant commit in a legally binding manner to appropriate mitigation of the negative impacts. This mitigation may include:

a. A financial guarantee to fund a deeper well or a connection to a central water system for properties that experience significant negative impacts after the water withdrawal occurs;

b. A permanent Conservation Easement placed on sufficient land areas to result in amounts of groundwater recharge that is equivalent to the amount of groundwater that is being withdrawn; or

c. A legally binding commitment to reduce the amount of the water withdrawal during drought conditions.

509.F. Portable toilets. Whenever new construction is proposed on a parcel of land or an addition is proposed where construction crews do not have access to an existing toilet facility, portable toilets must be installed at the site for the duration of the construction. The toilets shall be installed in accordance with current sewage regulations and in an appropriate number for the

intended use. A sewage permit for the portable toilets shall be obtained from the Township Sewage Enforcement Officer.

CHAPTER 6 OFF-STREET PARKING AND LOADING

SECTION 601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Chapter.

2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1. If a use is not similar to another use in the Table, then one space shall be provided for every 250 square feet of total floor area, plus one space for each employee on the maximum shift, if applicable.

3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.

4. Parking Landscaping. See Section 803 and 804 of this Ordinance.

TABLE 6.1 – OFF-STREET PARKING REQUIREMENTS

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Residential Uses	
Single-Family Dwelling Unit	2 spaces for each dwelling unit.
Two-Family Dwelling Unit	2 spaces for each dwelling unit.
Multi-Family Dwelling Unit	2 spaces for each dwelling unit.
Conversion to Multi-Family	2 spaces for each additional unit plus the minimum number of required spaces for the existing dwelling unit, if any.
Manufactured Home	2 spaces for each manufactured home.
Boarding or Rooming House	1 space for each unit or bed for adult, whichever is greater, plus 1 space for every non-resident employee.
Group Home	1 space for every 2 residents of a type reasonably expected to be able to drive a vehicle plus 1 space for each employee.
Home Occupation	1 space for the Home Occupation, plus one space for each nonresident employee and the number of spaces required for the type of dwelling unit.
No-impact Home Occupation	Required number of spaces for the type of dwelling unit
Manufactured Home Community	2 spaces for each manufactured home.
Housing for Persons 62 years of age or older or handicapped (Other than Retirement Community)	1 space for each dwelling unit, except 0.4 per dwelling/rental unit if evidence is presented that non-physically handicapped persons will clearly and primarily be over 70 years of age, plus 1 space for every non-resident employee.
Short-term Home Rental	1 space for each bedroom or the minimum required to prevent on-street parking, whichever is greater.
Commercial Uses	
Adult Use	
Assisted Living Residence	1 space for every 300 square feet of gross floor area.
Commercial Uses	1 space for every four beds, plus 1.5 spaces for each individual dwelling unit and 1 space for every 1.1 employees.

Auditorium or Theatre	1 space for every four seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically routinely open beyond 9:00 pm., plus 1 space for every 1.2 employees.
Automobile, Boat, Equipment, Home, and Recreational Vehicle Sales	1 space for every 15 automobiles, boats, pieces of equipment, homes or recreational vehicles, plus 1 space for each employee.
Automobile Service Station or Repair Garage	5 spaces for each service stall or bay and ¼ space for each gas pump, plus 1 space for each employee on the maximum working shift together with 1 space for each 200 square feet of retail sales floor area.
Bank or Financial Institution	1 space for every 200 square feet of gross floor area for walk-in only, or 1 space for every 200 square feet of gross floor area with a drive thru, plus 1 space for every 1.2 employees on the maximum shift.
Banquet Hall	1 space for every three seats.
Bar	1 space for every two seats, plus 2 spaces for every three employees on the maximum working shift.
Bed and Breakfast	1 space for each room, plus 1 space for each employee and resident employee.
Betting Use	1 space for every two seats, plus 2 spaces for every two employees on the maximum working shift.
Bowling Alley	3 spaces for each lane plus 2 spaces for each pool table and 1 space for every 1.2 employees.
BYOB Club, Bottle Club or Night Club	14 spaces for every 1,000 square feet of gross floor area, which includes outdoor decks, patios and seating areas.
Car Wash	2.5 spaces for each bay or stall, plus 1 space for every 1.2 employees.
Cemetery or Mausoleum	1 space for every 15 gravesites.
Check Cashing Business	1 space for every 300 square feet of gross floor area.
Communication Tower or Antenna, Stand Alone	3 spaces.
Community Center, Library or Cultural Center or Museum	1 space for every three seats.
Construction Company or Tradesperson's Principal Office	1 space for each employee.
Contractor Storage Yard	1 space for each employee.
Convenience Store	4 spaces for every 1,000 square feet of gross floor area.
Correctional Facility	1 space for each employee on the maximum shift, plus 1 space for every five detainees or inmates.
Day Care Center	1 space for every 1.1 employees, plus 1 space for every five children, based on the maximum number of children the center serves with spaces designed for safe and convenient drop-off and pick-up.
Drive-In/Thru Use	1 space for every 100 square feet of gross floor area for a use other than a drive thru financial institution or restaurant.
Emergency Services	1 space for every 100 square feet of gross floor area.
Fairgrounds	1 space for every eight fixed seats, plus 1 space for every 100 square feet of assembly area.
Family Child Care Home	The minimum number of spaces for the dwelling unit plus one space for every two children able to be cared for in the home.
Fiber Optic Switch Facility	2 spaces.
Fitness Club	1 space for every 300 square feet of floor area.
Flea Market, Auction House, Fairground, or Outdoor Theatre	1 space for every eight fixed seats, plus 1 space for every 100 square feet of assembly area.
Funeral Home	1 space for every four seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating, plus 1 space for each employee.
General Office	2.5 spaces for every 1,000 square feet of gross floor area.
Grocery Store	5 spaces for every 1,000 square feet of gross floor area.
Group Child Care Home	1 space for every three customers, plus 1 space for each employee.
Group Home	1.5 spaces for each bedroom.
Hairdresser, Hairstyling or Haircutting	1 space for each customer seat used for cutting, styling, washing, manicuring and similar work, plus 1 space for every 1.2 employees.
Commercial Uses	

Heliport	2 spaces for each helipad.
Hospital	1 space for every three beds, plus 1 space for every 1.2 employees.
Hotel or Motel	1 space for each sleeping room up to 250 rooms; 0.75 for each sleeping room between 251 and 500 rooms; and 0.50 spaces for each sleeping room over 500, plus 1 space for every 1.2 employees on the maximum shift.
Institutional Group Home	1 space for each bed plus 1 space for each employee.
Kennel	1 space for each employee, plus 1 space for every five animals to be boarded.
Laundromat	1 space for every three washing machines, plus 1 employee space.
Lumber Yard	1 space for every 300 square feet of gross floor area.
Massage Services without Health Care Professional	2 spaces for each masseuse.
Medical/Dental Office or Clinic	5 spaces for each physician and 4 spaces for each dentist, plus 1 space for every 1.2 employees.
Medical Marijuana Academic Clinical Research Center	3.5 space for 1,000 square feet of gross floor area.
Medical Marijuana Delivery Vehicle Office	1 space for every vehicle, plus 1.2 spaces for each employee.
Medical Marijuana Dispensary	1 space for every 300 square feet of gross floor area.
Membership Club or Social Hall	1 space for every 100 square feet of gross floor area.
Miniature Golf	1 space for each hole, plus 1 space for every employee.
Nursing Home	1 space for every four beds, plus 1.1 space for every employee.
Office (other than medical or dental)	1 space for every 300 square feet of total floor area.
Pawn Shop	1 space for every 100 square feet of gross floor area.
Personal Care Home	1 space for every two beds, plus 1 space for every employee on the maximum shift.
Personal Services (other than a specifically listed personal service use)	1 space for every 200 square feet of floor area accessible to customers, plus 1 space for every 1.2 employees.
Place of Worship	1 space for every four seats, plus 1 space for each 100 square feet of meeting room area plus 1 space for every two employees.
Public Governmental Use	1 space for every 100 square feet of gross floor area.
Radio or Television Studio	1 space for each employee.
Recreation, Indoor (other than bowling alley or membership or fitness/exercise club)	1 space for every three persons of maximum capacity of all facilities, plus 1 space for every 1.2 employees.
Recreational, Outdoor (other than miniature golf)	1 space for every three persons of capacity (50percent of which may be grass overflow areas with major driveways in gravel) plus 1 space for every 1.2 employees.
Restaurant Take-Out Only	1 space for each employee, plus 6 spaces.
Restaurant with Drive-In or Drive-Thru	1 space for every 80 square feet of gross floor area.
Restaurant without Drive-In or Thru	1 space for every four seats, plus 1 space for every 1.2 employees.
Retail Sales (other than specifically listed retail sales use)	1 space for every 200 square feet of floor area accessible to customers.
School	1 space for each staff member, plus 1 space for every four students age 16 years or older for primary and secondary schools; 1 space for each staff and faculty member plus 1 space for every 1.5 students not residing on campus who attend class during peak times for colleges, universities, post-secondary, or vocational schools; and 1 space for every 2 students, plus 1 space for every 1.2 employees for trade or hobby schools.
School with Dormitory	1 space for each staff and faculty member, plus 1 space for every 10 classroom seats.
Self-Storage Facility	1 space for every 20 storage units, plus 1 space for every 1.2 employees.
Shopping Center or Big Box Store	4 spaces for every 1,000 square feet of gross floor area.
Smoke Shop (Sales Only No Smoke Room)	1 space for every 300 square feet of gross floor area.
Smoke Shop (Sales with Smoke Room)	1 space for every 150 square feet of gross floor area.
Solar (PSES)	1 space for every employee post construction.
Swimming Pool, Non-Household	1 space for every 50 square feet of water surface, other than wading pools or ornamental ponds, plus 1 space for every employee.
Tattoo Parlor/Body-Piercing Studio	2 spaces for each employee.
Tavern, Brewery Pub and Micro- Brewery	1 space for every 30 square feet of total floor area.
Commercial Uses	

Treatment Center	1 space for every two residents aged 16 years or older plus 1 space for every non-resident intended to be treated on-site at peak times and 1 space for every non-resident employee.
Utility Facility	1 space for every vehicle routinely needed to service the facility.
Veterinarian Office	4 spaces for each veterinarian or doctor, plus 1.2 for each employee.
Wholesale Establishment	1 space for every 300 square feet of gross floor area.
Windfarm (PWEF)	1 space for each employee post construction.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Industrial Uses	
Asphalt, Batch and Concrete Plant	1 space for each employee on the maximum shift, plus 5 spaces.
Bulk Fuel Storage	1 space for each employee.
Bulk Recycling Center	1 space for each employee, plus 1 space for every 300 square feet of gross floor area.
Clothes Cleaning Laundry, Industrial	1 space for each employee, plus 5 spaces.
Electricity Generating Plant	1 space for each employee on the maximum shift.
Shredding, Industrial	1 space for each employee.
Heavy Industrial and other specifically listed Manufacturing Uses	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees.
Industrial Hemp Production	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees.
Junk or Salvage Yard	1 space for every 1,000 square feet of gross floor area, plus 1 space for every employee.
Light Industrial	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees on the maximum shift.
Machine Shop	1 space for each employee, plus 5 spaces.
Mineral Extraction	1 space for each employee, plus 12 spaces.
Natural Gas Processing Plant	1 space for each employee on the maximum shift.
Oil and Gas Operation or Compressor Station	1 space for each employee.
Packaging Plant	1 space for each employee, plus 1 space for every 1,000 square feet of gross retail floor area.
Railroad Yards	1 space for every two employees.
Recycling Collection Center	1 space for each employee, plus 1 space for every 300 square feet of gross floor area.
Slaughterhouse or Food Processing	1 space for each employee, plus 1 space for every 300 square feet of gross retail floor area.
Solid Waste Facilities	1 space for every 1,000 square feet of gross floor area, plus 1 space for every employee.
Truck Service Center, Repair and Storage	5 spaces for every 1,000 square feet of gross floor area.
Truck Stop	5 spaces for each service stall or bay and ¼ space for each gas pump, plus 1 space for each employee on the maximum working shift together with 1 space for each 200 square feet of retail sales floor area.
Trucking Terminal	1 space for every 1,000 square feet of gross floor area, plus 1 space for every employee.
Warehouse and Distribution	1 space for every 2,000 square feet of gross floor area plus 1 space for every two employees on the maximum shift.

Type of Use	Minimum Number of Required Off-Street Parking Spaces
Agricultural Uses	
Agribusiness	1 space for each employee.
Agricultural Equipment Sales and Rentals	5 spaces for every 1,000 square feet of gross floor area.
Agricultural Operations	1 space for every employee.
Agricultural Product Marketing and Sales	5 spaces for every 1,000 square feet of gross floor area.
Agricultural Related Business	1 space for every 1,000 square feet of gross floor area, plus 1 space for every two employees.
Agricultural Uses	

Agritourism	1 space for every eight fixed seats, or 1 space for every 100 square feet of assembly area, whichever is greater.
Greenhouse and Nursery	1 space for each employee plus 1 space for every 300 square feet of gross retail floor area.
Hemp Grower or Processor	1 space for every employee.
Medical Marijuana Grower and Processor	1 space for every employee.
Nature Preserve	1 space for every employee plus 1 space for each visitor or guest.
Tree Farm or Christmas Tree Farm	1 space for every employee, plus 10 spaces.
Water Withdrawal	1 space for each employee.
Winery	1 space for each employee plus 1 space for every 300 square feet of gross retail floor area.

SECTION 602. GENERAL REGULATIONS FOR OFF-STREET PARKING

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.

2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If a non-residential use expands by an aggregate total maximum of five percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available for so long as the use or building which the spaces serve still exist, and such spaces may not be reduced in number below the minimum required by this Ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the Applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided.

a. The Zoning Hearing Board may require that the use be approved for the period of time consistent with the lease of the parking, and that renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Reduction of Parking Requirements as a Special Exception.

1. Purposes. To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.

2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the Applicant proves to the satisfaction of the Zoning Hearing Board that the criteria for the granting of a special exception have been met, a lesser number of spaces would be sufficient, and the following are proven:

a. The Applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar development during their peak hours. The Applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers and visitors and similar data.

b. Under this Section, an Applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the Applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand or overlapping customers.

c. Reserved Area for Additional Parking. Under this Section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

i. Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and

future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determine it is necessary. A deed restriction is recommended.

ii. If approved under this clause (c), the Applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.

iii. The additional parking that is "reserved" under this Subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the Township may require that the land be developed as parking.

iv. The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, the Zoning Officer shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

SECTION 603. DESIGN STANDARDS FOR OFF-STREET PARKING

603.A. General Requirements.

1. Backing onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local access street or parking court. Parking spaces may back onto an alley.

2. Every required parking space shall be designed so that each motor vehicle may access the parking space without requiring the moving of any other vehicle, except for spaces serving a single-family, twin or townhouse dwelling.

3. Parking areas shall not be within a required buffer yard or street right-of-way.

4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.

5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.

2. For handicapped spaces, see Section 603(F) below.

3. All spaces shall be marked to indicate their location, except for single-family or two-family dwellings.

603.C. Aisles.

1. Each aisle providing access parking stalls have the following minimum width:

Angle of Parking	Minimum Aisle Width One-Way Traffic	Minimum Aisle Width Two-Way Traffic
45 degrees	12 feet	18 feet
60 degrees	15 feet	18 feet
90 degrees	18 feet	21 feet

603.D. Accessways and Driveways.

1. All entrance and exit drives shall conform to the following minimum cartway widths:

Single family residential	- 10 feet
One-way - non-residential	- 20 feet
Two-way -non-residential	- 30 feet

2. All driveway widths and turning radii shall conform to the PennDOT criteria for a given type of driveway and street, as well as the type and speed of vehicle, at all public street intersections.

3. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an Applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block or other low-dust materials approved by the Township.

a. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.

b. In addition, as a use by right, the least-used 25 percent of any parking area may be covered with a lot-dust porous parking surface that is designed to promote groundwater recharge. The design of the porous parking shall be subject to approval by the Township Engineer. This may include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

c. Curbing may not be used except where necessary to control storm water runoff. This includes avoiding curbing within parking lots.

d. See also provisions regarding Storm Water Quality, Recharge and "Best Management Practices" in the Storm Water Management Provisions of the Township Subdivision and Land Development Ordinance.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Chapter 5.

603.G. Electric Vehicles. Every new use or building shall provide five parking spaces for every 100 required parking spaces to accommodate electric or other alternative fuel vehicles with electric vehicle recharging areas that comply with the following standards:

1. At least one separate meter panel for the sole purpose of electric vehicle recharging must be provided and sized to handle the required electric vehicle recharging spaces.

2. Photovoltaic or similar solar power facilities are encouraged to be integrated into the facility.

3. Service equipment, new or existing, of enough size and ampere capacity to accommodate the additional meter panels must be installed.

4. Overhead lighting must be adequate to allow proper and safe utilization of the recharging equipment.

603.H. Handicapped Parking.

1. Number of Spaces. All parking lots shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, in accordance with the requirements of the U.S. Federal Americans with Disabilities Act:

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NUMBER OF HANDICAPPED PARKING SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 or more	20 plus 1 percent of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Accessible routes shall be in accordance with the requirements of the ADA and local building code.

3. Minimum Size. Each required handicapped parking space shall be eight by 20 feet. In addition, each space shall be adjacent to a five feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, one out of every eight required handicapped parking spaces shall have an adjacent access aisle of eight feet width instead of five feet.

4. Slope. Handicapped parking spaces shall be in areas of less than two percent slope in any direction.

5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended. Signs shall be provided at each space setting forth the amount of the fine for parking violations of these spaces.

6. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.I. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.

a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distance but may include deciduous trees that motorists can view under the leaf canopy.

b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township or PennDOT, whichever is as applicable, maintain the right to replace planting areas within the right-of-way with future street improvements.

c. Township-approved sidewalks and approximately perpendicular driveway crossings may be placed within the planting strip. Signs may be placed within a planting strip outside of the street right-of-way provided all requirements of this Ordinance are met. Mostly vegetative stormwater channels may be placed within the planting strip.

d. The following shall be prohibited within the planting strip:

1. paving, except for approved sidewalks and driveway crossings;
2. fences;
3. parking, storage or display of vehicles or items for sale or rent; and
4. Invasive plant species.

e. Where feasible, this setback should include an unobstructed generally level width running parallel to a road that is suitable for a person to walk.

603.J. Interconnected Parking Lots. See provisions in the Township Subdivision and Land Development Ordinance.

603.K. Parking Setback from Builders. Parking spaces serving principal non-residential buildings and apartment buildings shall be located a minimum of 10 feet from any building wall,

unless a larger distance is required by another provision. This distance may not apply at vehicle entrances into or under a building.

SECTION 604. OFF-STREET LOADING.

604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley only

604.B. A minimum number of off-street loading spaces must be provided for the following use group (Off-Street Loading Space Table):

TYPE OF USE:	MINIMUM NUMBER OF SPACES REQUIRED:
Commercial Uses	1 space for every 20,000 square feet of gross floor area
Industrial or Warehouse Uses	1 space for every 10,000 square feet of gross floor area
Other Non-Residential or Mixed Uses	1 space for every 15,000 square feet of gross floor area

604.B. Each space and the needed maneuvering room may not intrude into approved buffer areas and landscaped areas.

SECTION 605. FIRE LANES AND ACCESS.

605.A. Fire lanes shall be provided where required by state or federal regulations or other local Ordinances.

605.B. Access shall also be provided so that fire equipment can reach all sides of principal non-residential buildings and apartment buildings. This access shall be able to support a loaded fire pumper truck but shall not necessarily be paved.

605.C. The specific locations of fire lanes and fire equipment access are subject to review and approval by Township Fire Officials.

CHAPTER 7 SIGNS

SECTION 701. APPLICABILITY.

701.A. Purpose. This Chapter is intended to promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (except for obscenity that is prohibited by State law or language that incites violence or is against prurient standards); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.

701.B. Permit Required. A Zoning Permit shall be required for all signs except for:

1. Signs meeting the requirements of Section 703; and
2. Non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and height of signs that are specifically permitted by this Ordinance within the applicable district shall be allowed.

701.C. Changes to Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

SECTION 702. NONCONFORMING SIGNS.

702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.

702.B. An existing lawful non-conforming sign may be replaced with a new sign, provided that the new sign is not more nonconforming than the previous sign.

SECTION 703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts without a permit:

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	30	Shall only be posted during seasons when such products are actively offered for sale.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Banners Over Street</u> - A flexible banner sign stretched over the cartway of a street	1	40	40	Shall require advance approval by the Board of Supervisors. Shall maintain a minimum clearance over the cartway of 18 feet. Shall be allowed to advertise a special event. Shall not be posted more than 4 weeks before the event and be removed within 1 week after the event. Shall be installed by the Township, with the Applicant responsible to reimburse the Township for its expenses. An initial deposit from the Applicant, as established by resolution, shall be required prior to installation of the banner. Banners over State highways require PennDOT approval.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after the event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	8	40	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterwards. Such signs may not be placed on the lot for more than 1 year, unless a 1-year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a resident development may not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to blow in the wind. See also "Special Sale Signs" below.	1	20	20	Flags of governments and flags that simply include colors or patterns that are not regulated by this Ordinance, provided they do not exceed 10 in number.

TYPE AND DEFINITION				OTHER REQUIREMENTS
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OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	
<u>Garage Sale Sign</u> -advertises an occasional garage sale/porch sale or auction not more than seven times per year.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins and be removed max. of 24 hrs. after event ends.
<u>Home Occupation Sign</u> - advertises a permitted Home Occupation.	1	2	2	May not be illuminated, except for a sign of a medical doctor. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name or occupation of the resident and the name, street address and use of a lot, but that does not include advertising.	1	2	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.
<u>Political Sign</u> - advertises a person a party seeking political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	No maximum	Maximum total of 32	Maximum total of 60	Shall be placed a max. of 30 days prior to election, vote or referendum and removed a max. of 5 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESIDENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON-RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Service Organization/Place of Worship Sign</u> – an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and an arrow directing persons to such location.	2	2	2	Maximum of 2 such signs per such organization or place of worship.
<u>Special Sale Signs</u> – temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision.	5 per lot	Not permitted	Limit – 3 locations. Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a maximum of 7 consecutive days per event, and a maximum of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> – with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	
<u>Trespassing Sign</u> – indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

*Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

In addition, the following types of signs are not regulated by this Ordinance:

- Historic Sign – memorializes an important historic place, event or person and that is specifically authorized by the Township or a county, state or federal agency.
- Holiday Decorations – commemorates a holiday recognized by the Township, county, state or federal Government and that does not include advertising.
- Not Readable Sign – not readable from any public street or any exterior lot line.
- Official Sign – erected by the state, county, Township or other legally constituted governmental body, or specifically authorized by Township Ordinance or resolution, and which exists for public purposes.
- Required Sign – only includes information required to be posted outdoors by a government agency or the Township.
- Right-of-Way Sign – posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

SECTION 704. FREESTANDING, WALL AND WINDOW SIGNS.

704.A. The following signs are permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provision of this Chapter.

ZONING DISTRICT OR TYPR OF USE	TOTAL MAXIMUM HEIGHT OF FREESTANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OR FREESTANDING SIGNS
Rural and Residential Districts for allowed principal non-residential uses. For Home Occupation signs, see Section 703. No new signs in these districts shall be internally illuminated. See also entrance signs for resorts and major residential developments in Section 713.	8 feet	40 square feet on each side of a principal building.	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 32 sq. ft.*
VC District	12 feet	10percent of the area of the building side on which the signs are attached	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 32 sq. ft. *
GC, I and any other district not listed above	12 feet	10percent of the area of the building side on which the signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft.*

*If a lot includes 2 or more distinct principal uses, the maximum freestanding sign area may be increased by 20 square feet.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, signs may be attached to a "parapet roof" that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. The standards recognize portable signs as a type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign

for with changing messages, that it be a permanent sign within the requirements of this Ordinance.

2. See Definition of a "Portable Sign" under Section 202.

3. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.

704.D. Signs on Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of six feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.

704.E. Directional Signs for Private Activities.

1. These signs shall require a permit. These signs shall only be erected at the minimum number of intersections necessary to provide clear directions along the most direct route from an arterial or collector road to the place of business. In no case shall more than five signs be permitted per business. Location of the signs shall be subject to approval by the Board of Supervisors.

2. These signs may be erected by government agencies or private interests. These signs shall only state the name of the business or development and provide an arrow and may not include any other advertising. A distance may be included (such as "2 miles").

3. These signs may not be placed more than eight miles from the business to which they pertain.

4. These signs shall have white letters on a blue background. These signs shall have materials, colors and sizes conforming to standards adopted by resolution of the Board of Supervisors. The letters shall be upper case clock letters, with a height of five inches and a line width of 5/8 inch.

5. A single line sign shall measure eight by 48 inches. A double line sign shall measure 15 by 48 inches. No sign shall be larger than 15 by 48 inches.

6. Signs shall have a minimum border of one and a half inches.

7. Signs shall be mounted on a double post conforming to uniform Township standards.

8. Signs may be mounted singly or in groups. The order of placement of individual signs shall conform to policies established by resolution of the Board of Supervisors.

9. Signs may be located within a street right-of-way provided the required clear sight line for an intersection is not obstructed.

10. When located on private property, the Applicant shall provide written authorization from the property owner. The authorization must state that the sign is permitted to be placed in the proposed location and that the same terms of placement are available to other parties who wish to post a similar sign. When located along a street right-of-way, a road or highway occupancy permit is required from the Township or the State Department of Transportation (Penn DOT), as appropriate.

704. F Special Event Signs. Signs pertaining to a single, temporary event are permitted in any district for a maximum duration of 38 days per calendar year.

1. These signs shall require a permit.
2. Signs may not exceed 24 square feet in area and shall not exceed six feet in height.
3. Signs shall be a minimum of five feet from any property line.
4. Signs may not be erected more than 30 days before the event to which they pertain and must be removed no later than seven days following the event.
5. Financial security, in an amount established by the Board of Supervisors by resolution, must be deposited with the Township to guarantee the removal of all signs following the expiration of the permit.

SECTION 705. ABANDONED OR OUTDATED SIGNS. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

SECTION 706. LOCATION OF SIGNS. The following shall regulate the location of signs.

706.A. Setbacks.

1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way and may not be located within the existing street right-of-way.

2. A freestanding illuminated sign for a commercial or industrial business may not be located within 10 feet of an abutting lot line of residential lot.

3. These setbacks may not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

706.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.

706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

706.D. Permission of Owner. No signs shall be attached to a utility pole using metal fasteners, except by a utility.

706.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility.

SECTION 707. ILLUMINATION OF SIGNS. See "Light and Glare Control" in Chapter 5.

SECTION 708. VEHICLES FUNCTIONING AS SIGNS. Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such signs(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

SECTION 709. PROHIBITED SIGNS. The following prohibitions on sign shall apply in all zoning districts:

709.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.

709.B. Flashing, blinking, twinkling, animated or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least 10 seconds, except time and temperature signs may change more frequently.

1. In addition, flashing lights visible from a street may not be used to attract attention to a business. This restriction includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.

709.C. Signs which emit smoke, visible vapors or particles, sounds, or odor are prohibited.

709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.

709.E. Signs that are of such form, shape or color that resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.

709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.

709.G. Balloons or greater than 50 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 are prohibited.

709.H. Floodlights and outdoor lasers for advertising purposes.

709.I. To avoid distractions to motorists, neon lighting shall be prohibited as part of signs and if attached to the outside of a building.

SECTION 710. CONSTRUCTION OF SIGNS. Every permanent sign permitted in this Chapter shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within 30 days from the date of mailing of the notice. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

SECTION 711. MEASUREMENT AND MAJOR TYPES OF SIGNS.

711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Chapter:

1. Building Face. The vertical area of a side of a building, but not including the area of any slanted roof.

2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.

3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, may not be restricted by the sign heights of this Chapter when attached to a tower or spire of a place of worship.

4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be "externally" illuminated.

5. Off-Premise Sign. See Chapter 2.

6. Sign. See Chapter 2.

7. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.

8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

711.B. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to on structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.

2. The sign area may not include any structural supports that do not include a message.

3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.

4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.

5. Unless otherwise specified, all square footage for signs are maximum sizes.

SECTION 712. OFF-PREMISE SIGNS (Including Billboards).

712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purpose, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.

712.B. Nonconforming Off-Premise Signs. This Section is not intended to require the removal of an existing lawfully placed off-premise sign that is in structurally sound condition.

712.C. Official Sign. Signs erected and maintained by either PennDOT or the Township are permitted by right in all Districts.

712.D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meets the following requirements:

1. District. An off-premise sign is only permitted in the I District.
2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. Maximum Sign Area. The maximum sign area shall be 300 square feet.
4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than one off-premise sign, except as allowed in 712(D)(6) below.
5. Maximum Height. The maximum height shall be 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 300 square feet each provided the angle between the signs may not exceed 45 degrees.
7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists and residents of homes.
8. Residences. No off-premise sign greater than 10 square feet in sign area shall be located within 200 feet of an existing dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message on a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.

SECTION 713. MAJOR RESIDENTIAL AND RESORT DEVELOPMENT SIGNS.

713.A. Residential Development Sign. If a subdivision or land development is approved to include over 20 dwellings units, then an additional sign shall be permitted at each entrance to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face, one each structure on each side of the entrance.

1. Each such sign shall have a maximum sign area of 32 square feet. Such signs shall have a maximum total height of eight feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of wood or materials with a similar

appearance. In such case, the wall or fence shall have a maximum total height of eight feet and a maximum length of 12 feet.

713.B. Resort Sign. A Major Development Sign may be located on one lot in an approved resort development.

1. Each such sign shall have a maximum sign area of 32 square feet. Such signs shall have a maximum total height of eight feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of eight feet and a maximum length of 12 feet.

713.C. The Applicant shall prove to the Zoning Officer that the signs will be durable construction that requires little maintenance. Such sign may not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

SECTION 714. REMOVAL OF ILLEGAL SIGNS. The Zoning Officer shall have the right (but not the obligation) to remove any sign that violates this Chapter at the owner's expense. Upon removal, the Zoning Officer shall notify the owner of the location of the illegally removed sign and provide the owner with 30 days to retrieve the sign. Otherwise, the sign may be disposed of by the Township at the owner's expense

**CHAPTER 8
GENERAL REGULATIONS**

SECTION 801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

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

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and more than one permitted principal building per lot, provided the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.

a. For example, if Use One requires a one-acre lot area and Use Two on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of three acres.

b. The Applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.

c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the Applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.

2. A lot within a residential district may not include more than one principal use and may not include more than one principal building unless specifically permitted by this Ordinance.

a. A manufactured/mobile home community, condominium residential development, or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the Applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township

Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above ground level.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 14 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets the requirements for a dwelling.

SECTION 802. HEIGHT EXCEPTIONS. The maximum structure height specified for each district shall not apply to: antennas that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples for places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202.

SECTION 803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes setback areas, non-impervious areas and off-street parking areas.

2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a street shall be considered a front yard.

2. Projections into Required Yards.

a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement.

b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.

c. A residential porch or wood deck that is open along sides not attached to the principal building may extend into a required setback. However, a raised wood deck shall be setback a minimum of five feet along a side lot line where buildings are detached and 20 feet along a rear lot line. Space under an unenclosed porch may be used for household storage.

d. An unenclosed front porch (which may include a roof) may intrude up to 10 feet into a required front yard.

803.C. Sight Clearance at Intersections. For a new subdivision or land development, the intersection sight clearance provisions of the Subdivision or Land Development Ordinance shall apply. The following provision shall apply for any other lot or use:

1. At intersection of streets, sight obstructions of any type (including vegetation and earth) shall be removed (by excavation if necessary) and deed or lease restrictions established to maintain visibility such that the clear and unobstructed sight between three and eight feet above the street surface is provided within a clear sight triangle described as follows:

a. Two legs of the triangle shall extend from the intersection of the centerlines of the two streets.

b. The first leg shall extend from the intersection of the centerlines along the centerline of the intersecting street for a distance 15 feet from the nearest edge of the travel lanes of the through street.

c. The second leg of the triangle shall extend from the intersection of the centerlines of the streets along the centerline of the through street for the following distances:

i. 700 feet if the through street is an arterial street.

ii. 475 feet if the through street is a connector street.

iii. 400 feet if the through street is a collector street.

iv. 300 feet if the through streets is a minor or local street.

d. The third leg of the sight clearance triangle shall connect the ends of the two shorter legs.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations.

1. Buffer Yard Width, When Required. Buffer yards shall have a minimum width of 25 feet where required along a street and 40 feet where required in other situations, unless a larger width is required by another provision of this Ordinance. Buffer yards shall primarily include evergreen plants screening and shall be required in the following situations, and where otherwise required by this Ordinance:

Buffer Yard to be Provided by the Following	When the Use Providing the Screening and Buffer Is:
a. Along side and rear lot lines of any newly developed or expanded: (1) principal commercial or industrial use, (2) area of 6 or more new off-street parking spaces, (3) an outdoor industrial storage or loading area, or (4) an area routinely used for the overnight parking of 2 or more tractor-trailer trucks.	Abutting an existing primarily residential use; OR Abutting undeveloped residentially-zoned land
b. Along front lot lines of any newly developed or expanded: (1) outdoor industrial storage or loading area, or (2) area routinely used for the overnight parking of 2 or more tractor-trailer trucks.	Abutting and visible from a public street

2. Location of Buffer Yards.

a. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.

b. Plants needed for the visual screen may not be placed within an existing street right-of-way. No trees or shrubs plantings shall be newly placed in the Township street right-of-way.

c. The buffer yard may include areas within a required front, side or rear yard, or a paved setback area provided the larger yard requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

a. A buffer yard may not be required where the Applicant proves to the Zoning Officer that a minimum of 60 feet of mature woodland will be preserved where the buffer yard otherwise would be required.

b. For a special exception use, an Applicant may prove with special exception approval to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.

c. For a conditional use, an Applicant may prove with conditional use approval to the satisfaction of the Board of Supervisors that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.

c. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.

e. A well or septic system may be placed within a buffer yard, provided the landscaping provisions are still met.

4. Plant Screen.

a. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.

b. Each planting screen shall meet the following requirements:

i. Plant materials needed to form the visual screen shall have a minimum height when planted of four feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.

ii. Plants needed to form the visual screen shall be such species, spacing and size as can be expected to produce within four years a mostly solid year-round visual screen at least six feet in height.

iii. The plant screen shall be placed so that at maturity, the plants will not obstruct a street or sidewalk.

iv. The plant visual screen shall be interrupted only at:

1. Approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot;

II. Locations necessary to comply with safe sight distance requirements; and

III. Locations needed to meet other specific State, Township and utility requirements.

c. American Arborvitae and similar weak-stem plants may not be used to meet the buffer yard requirements.

d. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

e. Invasive plant species of Pennsylvania may not be planted or allowed to grow within a buffer yard and lot.

5. Buffer Yard Plans.

a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the application shall submit plans showing:

i. The location and arrangement of each buffer yard;

ii. The placement, general selection of species and initial size of all plant materials; and

iii. The placement, size materials and type of all fences to be placed in such buffer yard.

b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

SECTION 804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish, noxious weeds, and invasive plant species in Pennsylvania.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for six or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and parking area and any adjacent public streets. This requirement may not apply along street segments

where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.

2. Location. Such trees shall be planted with the trunk outside of the street right-of-way, but as close as is feasible to the street right-of-way, or an alternative location acceptable to the Board of Supervisors.

3. Ordinance. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.

4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.

804.D. Parking Lot Landscaping.

1. One deciduous tree shall be required for every 15 new off-parking spaces.

2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within automobile parking areas. Otherwise, the trees may be planted around the parking area.

3. Trees required by this Section shall meet the following standards:

a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the Applicant proves to the satisfaction of the Zoning Officer that another type would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum – Red Maple	Quercus – All species of oaks
Acer saccharum – Sugar Maple	Sophora japonica – Scholar Tree/Pagoda Tree
Celtis occidentalis – Common Hackberry	Tilia americana – American Linden
Fagus sylvatica – European Beech	Tilia cordata – Little Leaf Linden
Fraxinus americana – White Ash	Tilia euchlora – Crimean Linden
Fraxinus pennsylvanica – Green Ash	Tilia petiolaris – Silver Linden
Ginkgo biloba fastigiata – Maiden Hair Tree	Ulmus hybrids – Homestead or Sapporo
(male only; female has noxious odor)	Autumn Gold
Gleditsia triacanthos – Thornless Locust	Ulmus parviflora – Chinese or Lacebark Elm,
Liquidambar styraciflua – Sweet Gum	not including Siberian Elm
Liriodendron tulipifera – Tulip Poplar	Zelkova serrata - Zelkova

Note -- This Ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township Ordinance are not regulated.

b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.

c. Minimum Size. The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.

d. Planting and Maintenance. Required trees shall be:

i. Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air; and

ii. Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.

804.E. Landscaping Maintenance. All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

804.F. Review and Approval. Where landscaping is required by this Ordinance, the Applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

SECTION 805. DUMPSTER SCREENING AND LOCATION.

805.A. Any newly placed solid waste dumpster shall be screened on at least three of four sides as necessary to screen views from public streets and dwellings.

805.B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.

805.C. Setback from Dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.

805.D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section.

805.E. This Section may not apply to dumpsters temporarily placed during actual construction or demolition on the premises. See Section 403(D)(12)(b) for regulations on temporary dumpsters.

805.F. If a building includes four or more dwellings units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied. The Applicant shall provide an estimate of waste flow to show that numbers and sizes of dumpsters will be sufficient.

SECTION 806. MINIMUM SETBACKS FROM EXISTING STREETS.

806.A. Where a lot abuts a public or private street and the established legal right-of-way is less than that required for a street of the given classification, the front yard setback shall be measured from the centerline of said street but shall be increased by the following distance to provide for a fully effective right-of-way:

1. 30 feet from the centerline of a connector or collector street.
2. 25 feet from the centerline of a minor or local access street.
3. 15 feet from the centerline of an alley or private access street.

806.B. Applicants are strongly encouraged to dedicate such area to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.

CHAPTER 9
NONCONFORMING USES, STRUCTURES AND LOTS

SECTION 901. CONTINUATION OF NONCONFORMITIES.

901.A. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.

901.B. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this Chapter.

901.C. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

SECTION 902. IDENTIFICATION AND REGISTRATION OF NONCONFORMITIES.

902.A. The Zoning Officer or a landowner may initiate the process of registering a nonconformity.

902.B. The Zoning Officer shall issue a certificate of nonconformity when the Zoning Officer finds that the nonconformity, although not in compliance with all applicable requirements of the zoning district in which the property is located, is a lawful pre-existing nonconformity.

902.C. The form for the issuance of a certificate of nonconformity shall be provided by the Zoning Officer, and any documents relied upon by the Zoning Officer in approving or denying the certificate of nonconformity shall be made a part of the certificate.

902.D. The Zoning Officer shall prepare and maintain an accurate list of all certificates issued.

SECTION 903. ABANDONMENT OF NONCONFORMING USE.

903.A. A nonconforming use may not resume if it is abandoned.

903.B. A nonconforming use shall be deemed abandoned when the owner intends to abandon the nonconforming use. An overt act to convert the use into another use, or the discontinuing, ceasing, razing or removing of the use for more than 12 consecutive months shall raise a rebuttable presumption that the use has been abandoned. The burden shall be on the owner of the nonconforming use to rebut that presumption, except as provided for in the "Damaged or Destroyed Nonconformities" provision of this Chapter.

903.C. An existing lawful separate dwelling unit may be unrented without being considered "abandoned" under this Ordinance.

903.D. Once a use has been deemed to be abandoned, the use may not be reinstated and the structure, if any, shall not be reoccupied or used except in conformity with this Ordinance.

SECTION 904. EXPANSION OF NONCONFORMING USES AND STRUCTURES.

904.A. Expansion of a Nonconforming Non-Residential Use. A non-residential non-conforming use or a non-residential building used by a non-residential nonconforming use may not be expanded, except in accordance with the following:

1. An expansion of more than 10 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Chapter 10.

2. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

3. Based upon the following measures the area of a nonconforming use may not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming. These two measures are the:

a. Total building floor area used by a nonconforming use; or

b. Total land area covered by the nonconforming use, whichever is more restrictive.

i. The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use or building that occurred since the use or building originally became nonconforming shall count towards the above maximum increase.

c. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance unless the Zoning Hearing Board grants a variance.

904.B. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that:

1. The number of dwelling units or rooming house units are not increased;

2. The expansion meets all applicable setbacks;

3. No new types of nonconformities are created; and

4. A nonconformity is not made more severe.

SECTION 905. MOVING OF A NONCONFORMING USE OR STRUCTURE. A nonconforming use or structure may not be moved on a lot without special exception approval from the Zoning Hearing Board and provided that the nonconforming use or structure, when moved, shall comply with the dimensional regulations applicable to that District.

SECTION 906. CHANGE OF NONCONFORMING USE.

906.A. Once changed to a conforming use, a structure or land shall not revert-back to a nonconforming use.

906.B. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with the Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

906.C. Where special exception approval is required for a change of a nonconforming use, the Zoning Hearing Board shall determine whether the Applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:

1. Traffic safety and generation (especially truck traffic);
2. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards;
3. Amount and character of outdoor storage;
4. Hours of operation if the use would be close to dwellings; and
5. Compatibility with the character of the surrounding area.

906.D. A nonconforming use may not be changed to a nonconforming Adult Use.

SECTION 907. DAMAGED OR DESTROYED NONCONFORMITIES.

907A. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if:

1. The application for a building permit is submitted within 12 months after the date of damage or destruction;
2. Work begins in earnest within 12 months afterwards and continues; and
3. No additional nonconformity may be created or increased by any reconstruction.

907.B. The property shall be properly secured during such time in such a way to keep out trespassers and avoid harm to neighboring properties.

907.C. This Section may not apply to an unsafe or unlawful nonconforming structure.
See Section 908.

SECTION 908. UNSAFE OR UNLAWFUL NONCONFORMING STRUCTURE. If a nonconforming structure becomes physically unsafe or uninhabitable (due to neglect or lack of maintenance or repairs), or has been legally condemned under any applicable property maintenance or building code or Ordinance and may not be repaired to comply with any other property maintenance Ordinance of the Township, then the nonconforming status of the structure and its use shall be deemed abandoned, and the use shall cease and the structure shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the provisions of this Ordinance.

SECTION 909. NONCONFORMING LOTS OF RECORD.

909.A. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided the following additional requirements are met:

1. The lot must be a lawful nonconforming lot of record;
2. Minimum setback requirements shall be met;
3. State and federal wetland regulations shall be met;
4. The septic and well requirements in the Conservation Design Requirements of Section 309 shall be met;
5. If the lot has a lot area of less than one acre, then the lot area may not be less than 50 percent of the area that would otherwise be required; and
6. If two abutting lots each have a nonconforming lot area of less than 30,000 square feet, and a lot area of one acre or more is required by the applicable district regulations, and the lots are held in common ownership at the time of adoption of regulations and this Ordinance, then the lots shall hereby be merged into a single lot.
 - a. For the purposes of this Ordinance, at the effective date of this Ordinance, such nonconforming lots shall hereby be considered a single lot and shall not be individually sold, conveyed or developed.
 - b. Before any permit is issued for any building construction, expansion, placement or replacement on a lot, the Applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
 - c. This clause shall only apply if one or both of the lots do not include a principal building at the time of adoption of this Ordinance.

909.B. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered a nonconforming lot.

909.C. Lots in Older Subdivisions.

1. If a residential lot was legally established and the recorded subdivision plan shows or states front, side and rear principal building setbacks that are different than are required by Section 307, those setbacks on the recorded plan shall apply instead of the setbacks of Section 307.
2. If a residential lot was legally established and recorded prior to the enactment of the Township Zoning Ordinance on June 17, 2004 and the recorded plan does not show or state front, side and rear principal building setbacks but front, side and rear principal building setbacks were established in legally binding covenants or deed restrictions, then such setbacks established by such covenants or restrictions shall apply instead of the setbacks of Section 307.
3. If a non-conforming residential lot is part of a Township approved subdivision, and the front, rear, and side setback requirements were set forth on the recorded subdivision plan, then the lot may be developed according to such stated setback requirements in place of the front, rear and side setback requirements of this Ordinance.

SECTION 910. USES NOT CONSIDERED NONCONFORMING USES. Any building, structure or lot that is permitted by variance, special exception, or conditional use under this or any previous Municipal Zoning Ordinance may not be deemed a nonconforming use, but a permitted use.

SECTION 911. REDUCTION OF A NONCONFORMITY. Any dimensional nonconformity may be reduced without Zoning Hearing Board approval and with the issuance of a permit by the Zoning Officer, provided that the demolition reduces the dimensional nonconformity even if it does not eliminate the entire dimensional nonconformity.

CHAPTER 10 ADMINISTRATION

SECTION 1001. ZONING OFFICER APPOINTMENT AND DUTIES.

1001.A. Appointment. For the administration of this Ordinance, a Zoning Officer, who may not hold any elective office in the Township, shall be appointed. The Zoning Officer shall meet qualifications established by the Board of Supervisors and shall be able to demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning.

1001.B. Powers and Duties of the Zoning Officer. The powers and duties of the Zoning Officer shall include the following:

1. Administering and enforcing the provisions of this Ordinance in accordance with its literal terms. In performing these duties, the Zoning Officer may not have the power to permit any construction, alteration or any use or change of use to land or structures, which does not conform to the applicable provisions of this Ordinance.
2. Receiving and reviewing all types of Zoning Applications and approving or denying Zoning Permits and certificates of zoning compliance under this Ordinance. When a Zoning Permit Application or certificate is approved, the Zoning Officer shall issue the permit or certificate.
3. Keeping records of all applications, permits, certificates, complaints, enforcement actions, investigations, and decisions of the Zoning Hearing Board and Board of Supervisors in the Zoning Office located within the Township Municipal Building. All zoning records are the property of the Township and must be available for public inspection and copying when authorized by the Pennsylvania Right to Know Law.
4. Conducting property inspections to assure compliance with this Ordinance.
5. Maintaining the Official Zoning Map and Zoning Ordinance, including any amendments.
6. Notifying the Zoning Hearing Board of scheduled zoning hearings, including assisting the secretary or solicitor in advertising zoning hearings. In the case of a conditional use, assist the Board of Supervisors with the scheduling the hearing.
7. Making certain that properties are conspicuously posted at least one week prior to a hearing.
8. Attending and participating in proceedings before the Zoning Hearing Board or the Board of Supervisors and offering testimony and evidence when necessary.
9. Reviewing and reporting on subdivision and land development plans for compliance with this Ordinance as part of the Municipal Planning Commission's review.

10. Inspecting and registering nonconformities upon request of a landowner, or at the discretion of the Zoning Officer.
11. Assisting appointed and elected local officials, police, codes and the general public with zoning issues.
12. Making the current versions of the Zoning Ordinance and Official Zoning Map available to the public for inspection and providing copies upon proper request and payment of appropriate fees.
13. Rendering a preliminary opinion under Section 916.2. of the Pennsylvania Municipalities Planning Code.
14. Investigating and acting upon complaints of alleged violations of this Ordinance. Complaints should be acted upon within 30 days of their receipt and a complainant must be notified by the Zoning Officer, upon request, of any enforcement action taken.
15. Prosecuting violations of this Ordinance by instituting civil enforcement proceedings when it is determined that a person has violated this Ordinance, or any conditions placed upon the approval of special exception, variance, conditional use or any other approvals or permits under this Ordinance.
16. Issuing preliminary opinions under Section 916.2 of the Pa MPC.
17. Doing all things necessary to administer and enforce the Zoning Ordinance.

SECTION 1002. ZONING PERMIT REQUIRED.

1002.A. Zoning Permit Required. A Zoning Permit issued by the Zoning Officer shall be required prior to the start of any of the following activities:

1. Erection, construction, movement, placement or expansion of a structure, building, or sign;
2. Demolition of a structure, building or sign.
3. Creating a new use of any land, buildings or structures; and
4. Changing the use of any land, buildings or structures

1002.B. Zoning Permit Not Required. A Zoning Permit is not required to perform any of the following activities:

1. Repairs or maintenance of any structure or land provided such repairs or maintenance do not change the use or the exterior dimensions of the structure or building, or otherwise violate the provisions of this Ordinance. Examples of such work include

replacement of a roof, door, window, or porch that does not involve enclosure of space. However, a building permit for such work may be required under the Uniform Construction Code.

1002.C. Zoning Permit Application.

1. Submittal. A Zoning Permit Application shall be made in writing by the landowner, the authorized agent of the landowner, or any person having an equitable interest in the property with the permission of the landowner.

2. Site Plan. A Zoning Permit Application shall be on a form provided by the municipality and shall include at least the following:

a. The name and address of the Applicant, and the landowner if different than the Applicant.

b. The address of the property and a description of its location.

c. The names and addresses of all adjoining landowners, including those located immediately across the street from the property that is the subject of the application.

d. A site plan drawn to scale and showing:

i. The actual dimensions and shape of the property including existing and proposed access drives, roads and streets identifying them by name.

ii. The location and dimensions of all existing and proposed structures, buildings, signs, parking spaces, access drives, and loading zones, with existing features being clearly distinguished from proposed features.

iii. The exact size and location of existing and proposed uses of land, with existing uses being clearly distinguished from proposed uses.

iv. The location of any existing and proposed utilities.

v. The location of any water courses and any 100-year floodplain.

vi. Any other information required in order to ensure the zoning officer needs to determine compliance with this Ordinance.

3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:

- a. The address of the lot, name and address of the Applicant, and of the owner of the property, if different from the Applicant;
- b. A description of the proposed use of the property;
- c. All other applicable information listed on the official Township application form;
- d. If the Applicant is incorporated, the legal names and day telephone numbers of officers of the organization or corporation; and
- e. Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.

4. Submittals to Boards. In addition, an application requiring a site plan and action by the Zoning Hearing Board or Board of Supervisors shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

- a. The present zoning district and major applicable lot requirements.
- b. For a non-residential use:
 - i. A description of the proposed non-residential operations and storage with 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; and
 - ii. A list of the maximum hours of operation.
- c. The existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management.
- d. A listing of any Sections of this Ordinance being appealed, with the reasons for any appeal.
- e. Approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling").
- f. Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
- g. Name and address of person who prepared the site plan.

- h. Signed acknowledgment of the application by the Applicant.
- i. Such additional information required under applicable Sections of this Ordinance.

5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a Zoning Application.

6. Lot Survey and Building Stakeout (for principal structures or additions to principal structures with permanent foundations).

a. A current lot survey, performed by a Pennsylvania Professional Land Surveyor, shall accompany all applications for a Zoning Permit. Said survey shall have been performed not more than three years before the date of the Zoning Application. All boundary markers must be of a permanent nature and must be readily visible at the time of the initial zoning inspection. The survey map shall show all property lines and corner markers, the courses and distances along all property lines, adjoining streets and property owners, any existing improvements on or adjacent, all proposed improvements to be constructed on the property, any bodies of water or delineated wetlands, any regulated flood plains, all building setbacks or buffers, and a title identifying the map.

b. Prior to submitting a Zoning Permit Application, the owner shall have the proposed building location accurately staked by a Pennsylvania Professional Land Surveyor. All corners of the building shall be marked with stakes and four offset hubs or pins shall be established outside of the perimeter of the building so that building corners may be reestablished during construction. All corner stakes and offsets shall be shown on the survey map prepared by the Professional Land Surveyor and shall be visible at the time of the initial zoning inspection.

c. Upon completion of the foundation and prior to the initiation of any framing, an as-built survey of the foundation shall be prepared by a Pennsylvania Professional Land Surveyor and submitted to the Zoning Officer for approval. For purposes of this plan, a foundation shall include any standard foundation type, piers, slabs or other support structures required by the Township Building Code. No further work may be completed until the as-built plan has been approved. The plan shall use the survey map submitted with the initial Zoning Application as a bases for this submission, in addition to the information shown on the survey map, the actual location of the foundation shall be shown with accurate dimensions for the building and between the building and all property lines.

d. As-built surveys may not be required in the following cases:

- i. A survey with the required information is already on file with the Township, in which case the Zoning Officer may rely on such survey;

ii. A structure requires no foundation, pier, slab or other support structure; and

iii. For sites greater than two acres only boundary lines less than 100 feet from the proposed construction need to be surveyed and shown on the as-built survey plan.

1002.D. Time Period to Act upon Zoning Permit Application. A Zoning Application should be approved or denied by the Zoning Officer within 30 days from the date of receipt of a fully completed application. An application shall be deemed complete for purposes of this Ordinance when the application has been received by the Zoning Officer, fully completed and accompanied by a site plan and the applicable fee.

1002.E. Expiration of Zoning Permit. A Zoning Permit shall expire one year from the date of issuance. However, a Zoning Permit may be extended by the Zoning Officer for an additional period of six months upon the request of the Applicant for good cause shown. Once a permit has expired, the Applicant or landowner must reapply for another Zoning Permit and the Zoning Officer may approve or deny the application under the Ordinance in effect at the time of the new application.

1002.F. Revocation or Denial of Zoning Permit. The Zoning Officer may revoke a zoning permit issued under this Ordinance or deny a Zoning Permit under this Ordinance when:

1. The permit was issued in error under this Ordinance.
2. The application or plan upon which the permit was issued has been found to contain false or misleading information.
3. There exists a violation of any condition imposed by the Zoning Hearing Board or the Board of Supervisors as part of its written decision.
4. Any work being performed under a Zoning Permit is in violation of this Ordinance or any other Ordinance or law or does not comply with the permit or site plan.
5. Good cause exists under this Ordinance or applicable law.

1002.G. Reconsideration of Zoning Permit Application Previously Denied. An Applicant whose request for a Zoning Permit has been denied by the Zoning Officer may make another application for a Zoning Permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated, or the new application is different than the previous application. A failure to do so, shall be a reason for denial by the Zoning Officer and any board reviewing the application.

1002.H. Issuance of Zoning Permit upon Approval by Zoning Hearing Board of Board of Supervisors. The Zoning Officer shall issue a Zoning Permit once the use, structure, or building has been approved by special exception or variance by the Zoning Hearing Board, or by

conditional use by the Board of Supervisors. A Zoning Permit shall be issued within 30 days of issuance of a written decision approving the application. Should an aggrieved party or person appeal the written decision, any work performed shall be at their own risk should the decision be reversed on a subsequent appeal to the Pike County Court of Common Pleas, the Pennsylvania Commonwealth Court, or the Pennsylvania Supreme Court.

1002.I. Compliance with Zoning Permit. All work or uses for which a Zoning Permit have been issued shall conform to the approved application, decision and site plan, or the permit may be revoked by the Zoning Officer.

1002.J. Condition of Zoning Permit.

1. Road Permit of Highway Occupancy Permit. Where necessary for access onto a state or local road, a Township Zoning Permit shall be automatically conditioned upon issuance of an occupancy or road permit from the appropriate authority.

2. Compliance with Township Subdivision and Land Development Ordinance. If an application would be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Ordinance shall automatically be conditioned upon compliance with the SALDO. See definitions of "Land Development" and "Subdivision" in the SALDO. For example, if an Applicant applies for a single-family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

3. Building Permit. When the work to be performed requires a building permit under the Uniform Construction Code, then such permit or approval shall be automatically conditioned upon the Applicant also securing a building permit prior to commencement of any work.

4. Work at Own Risk. After a Zoning Permit under this Ordinance has been issued, the Applicant may undertake the action specified by the permit, in compliance with all Township Ordinances. However, it is recommended that Applicant waits at least 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30-day appeal period shall be at the risk of the Applicant. An Applicant shall also note that the posting of the permit conspicuously on the property is when the 30-day appeal period starts to run not when the permit is issued.

1002.K. Display of Zoning Permit. An approved Zoning Permit shall be conspicuously (in a manner a reasonable person would not believe they were trespassing while viewing it) posted on the property during construction of the building or structure, or commencement of the use. The posting of the permit shall occur within 10 days of the issuance of the Zoning Permit, or prior to the commencement of actual work or use of the property, whichever occurs first. The Zoning Permit shall be continuously posted on the property until completion of the work, commencement of the use, or issuance of a certificate of zoning compliance, if required.

1002.L. Inspections. By making a Zoning Permit Application, the Applicant and landowner authorize the Zoning Officer to inspect the land, structure, and building (interior and exterior) for which a Zoning Permit has been issued to ensure compliance with this Ordinance.

SECTION 1003. CERTIFICATE OF ZONING COMPLIANCE REQUIRED.

1003.A. Certificate Required. It shall be unlawful to use or occupy any new principal building or establish any new or replacement principal non-residential use until a Certificate of Zoning Compliance has been issued by the Zoning Officer.

1003.B. Exemptions. The Zoning Officer may permit the Zoning Permit Application to serve as the application for the Certificate of Zoning Compliance when the work involves construction or placement of accessory structures such as fences, decks, porches, signs, and swimming pools, and unattached accessory buildings of less than 1,000 square feet in total floor area or unroofed structures.

1003.C. Compliance with Ordinances. The Certificate of Zoning Compliance shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance. The Township may also withhold issuance of the certificate until there is compliance with all Township Ordinances.

1003.D. Inspection. By making an application for a Certificate of Zoning Compliance, the Applicant and landowner authorize the Zoning Officer to inspect the land, structure, and building (interior and exterior) for which the application has been made to ensure compliance with this Ordinance. Once issued, the Applicant shall keep a copy of the Certificate of Zoning Compliance available for future inspections.

1003.E. Issuance of Temporary Certificate. Upon written request by an Applicant, the Zoning Officer may issue a temporary certificate of zoning compliance for a period not to exceed six months. Such temporary certificate may permit an activity to occur in all or part of a structure before the entire work covered by the permit has been completed. However, such temporary certificate shall only be issued if the Applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety. The temporary certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

SECTION 1004. TEMPORARY ZONING PERMIT.

1004.A. Zoning Permit for Temporary Uses and Structures

1. Temporary Uses. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:

a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:

i. Only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;

ii. Such total events shall be limited to a maximum of 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities; and

iii. The Applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.

b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway pursuant to a valid Township permit under paragraph 4 below.

2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time is stated, then a seven-day maximum period shall apply. A temporary permit may be renewed for just cause.

3. Temporary Retail Sales. Except as provided for in subsection 1004(A)(1) above, and except for agricultural sales allowed by Section 306, a lot shall only be used for temporary retail sales if the following conditions are met:

a. The property shall be located within a zoning district that allows retail sales.

b. The operator shall have received any business permits required by the Township.

c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.

d. Any signs visible from a public street shall comply with this Ordinance.

e. If food or beverages are sold that are not pre-packaged, the Applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.

f. Any structure shall meet applicable minimum setbacks.

g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.

h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

i. Applicable State highway occupancy permit requirements or Township road occupancy permits shall be met.

4. Special Rules for Portable Construction Trailers. The following rules shall apply for a portable construction trailer:

a. A construction trailer is permitted on a lot if it is accessory to an active construction project and is removed immediately upon completion of construction.

b. A construction trailer may only be used for storage and office purposes.

c. A construction trailer may not exceed 10 feet by 36 feet and must be well constructed with a steel door, vinyl-sided walls and windows with an insulated rubber roof.

d. Tents for Retail Sales. The following rules shall apply in addition to the rules of Section 1004(A)(3):

a. A tent for retail sale of such things as flowers and fireworks is permissible as a temporary use.

b. A plan shall be provided to show the layout for ingress and egress.

c. The tent shall be made of fireproof construction or nonflammable material and a fire extinguisher shall be available during hours of operation.

d. The tent shall be securely fastened to the ground by use of pegs or barriers. If pegs are used, the pegs must contain rubber caps and be clearly marked to avoid creating a tripping hazard. The tent shall be tie down to withstand wind loads of at least 115 miles per hour. Proof of wind load shall be provided at the time of application.

e. The tent must be removed immediately following the event for which it was erected.

SECTION 1005. INFORMATION SUBMISSION REQUIREMENTS.

1005.A. Public Records.

a. By making a submission under this Ordinance, the Applicant acknowledges and agrees that all documents and other information submitted under this Ordinance constitutes public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Township Ordinances and resolutions.

b. To the extent that any such documents or information are not deemed public records and are subject to protection pursuant to federal or state copyright laws, or Common Law copyright protection, the Applicant (agents, employees and consultants) by filing documents with the Township under this Ordinance, shall be deemed to have waived all copyright protection as relates to review, analysis, criticism, or approval of the application by the municipality and all of its agents, servants, employees, officials, and consultants, and the public at large.

c. The Applicant hereby agrees to indemnify and hold harmless the Township and all of its agents, servants, employees, officials, and professional consultants from all claims including losses and attorney fees related to violations of copyright, or copyright infringement claims.

1005.B. Unsworn Falsification to Authorities. All statements, whether written or oral, to the Township, including the Zoning Hearing Board, the Board of Supervisors, and Zoning Officer in the course of the review of an application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the Applicant or the Applicant's agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

SECTION 1006. NOTICES. In any case in which mailed notice or electronic notice is required by this Ordinance, the following shall apply:

1006.A. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the municipality may request that the Township provide written or electronic notice of a public hearing which may affect such tract or parcel of land.

1006.B. Mailed notice shall be required only if an owner of a tract or parcel of land Located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township has made a written request that the notice be mailed and has supplied the Township with a stamped, self-addressed envelope prior to a public hearing.

1006.C. Electronic notice shall be required only if an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township has made a written request that notice be sent electronically and has supplied the Township with an electronic address prior to a public hearing and only if the Township maintains the capability of generating an electronic notice. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township making the request and supplying an electronic address may at any time notify the Township that the owner of the tract or parcel of land located within the Township or the owner of the mineral rights in the tract or parcel of land within the Township no longer will accept electronic notice, and, in that event, the Township may no longer provide electronic notice.

1006.D. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township who has requested a mailed notice shall be solely responsible for the number, accuracy and sufficiency of the envelopes supplied. The municipality shall not be responsible or liable if the owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township does not provide to the Township notice of any changes in the owner's mailing address.

1006.E. An owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township who has requested electronic notice shall be solely responsible for the accuracy and functioning of the electronic address provided to the Township. The Township shall not be responsible or liable if the owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township does not provide to the municipality notice of any changes to the owner's electronic address.

1006.F. The Township shall deposit a mailed notice in the United States mail or provide electronic notice not more than 30 and not less than seven days prior to the scheduled date of the hearing as shown on the notice.

1006.G. For each public hearing, the Township Secretary or the Zoning Officer shall prepare, sign and maintain a list of all mailed notices, mailing dates, electronic notices and electronic notice dates. The signed list shall constitute a presumption that the notice was given.

1006.H. The mailed notice shall be deemed received by an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township on the date deposited in the United States mail.

1006.I. The electronic notice shall be deemed received by an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township on the date the Township electronically notifies the owner.

1006.J. Failure of an owner of a tract or parcel of land located within the Township or an owner of the mineral rights in a tract or parcel of land within the Township to receive a requested mailed notice or electronic notice shall not be deemed to invalidate any action or proceedings under this Ordinance.

SECTION 1007. VIOLATIONS. Failure of a landowner to secure a Zoning Permit prior to using or changing the use of land, buildings or structures, or demolishing, altering, erecting, constructing, moving, placing, relocating, or expanding any building or structure; or failing to obtain a certificate of zoning compliance prior to the using or changing the use of land or buildings, shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake actions contrary to the provisions of this Ordinance, and any conditions of conditional uses, special exceptions and variances. Each day that a violation continues shall constitute a separate offense.

SECTION 1008. ENFORCEMENT PROCEDURES.

1008.A. Enforcement Notice. If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by issuing an enforcement notice to the owner of record of the parcel of land on which the violation has occurred, to any person who has filed a written request to receive violation notices regarding the parcel of land, and to any other person requested in writing by the owner of record. The enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action.
2. The location and address 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 Sections of this 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 30 days from date of the issuance of the notice.
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 a description of the sanctions that will result if the violation is not corrected.

1008.B. Order of Proof. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting evidence first.

1008.C. Refund of Filing Fee in Certain Instances. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

1008.D. Private Cause of Action. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors, or, with the approval of the Board of Supervisors, an officer or agent of the Township, or any aggrieved owner or tenant of real property who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance. When such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is instituted by serving a copy of the complaint on the Board of Supervisors. No action may be taken until such notice has been given.

1008.E. Jurisdiction. The magisterial district judge sitting in the Township shall have initial jurisdiction over proceedings brought under this Section.

1008.F. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceedings commenced by the Township or the Zoning Officer, shall pay a judgment of not more than \$500.00 dollars, plus all court costs, including reasonable attorney fees incurred by the Township as a result of said proceedings. No judgment shall commence or be imposed, levied or 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 determined that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, 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 Ordinance shall be paid over to the Township.

1008.G. Stay. The Pike County 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.

1008.H. Private Enforcement Action. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action for enforcement under this Ordinance.

SECTION 1009. ZONING FEES. The Board of Supervisors shall adopt a schedule of fees, charges and expenses for applications, permits, certificates, appeals, and amendments to the Zoning Ordinance and Zoning Map, and any other matters relating to the administration of this Ordinance. The fee schedule shall be available for public inspection and shall be adopted and may be amended from time to time by resolution of the Board of Supervisors. No application or appeal shall be considered filed until all related fees, charges and expenses have been paid in full.

SECTION 1010. ZONING AMENDMENTS

1010.A. Zoning Text or Map Amendments. Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on its own motion, or after agreeing to hear a written request of any person or the Planning Commission.

1010.B. Curative Amendments. The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.

SECTION 1011. ZONING HEARING BOARD.

1011.A. Membership of the Zoning Hearing Board. The Zoning Hearing Board shall consist of three or five residents of the municipality, upon determination and appointment by the Board of Supervisors. The terms of office of a three-member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five-member board shall be five years and shall be so fixed that the term of office of one member of a five-member board shall expire each year. If a three-member board is changed to a five-member board, the members of the existing three-member board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two additional members to the board with terms scheduled to expire in accordance with the provisions of this Section. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township, nor shall any member be an employee of the municipality.

1011.B. Alternate Members. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 1011(D) below, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the planning commission or as a Zoning Officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the board but may not be entitled to vote as a member of the board nor be compensated pursuant to Section 1011(E) unless designated as a voting alternate member pursuant to Section 1011(D). Alternates shall hold no other elected or appointed office in the Township, including service as a member of the planning commission or as a Zoning Officer, nor shall any alternate be an employee of the municipality.

1011.C. Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office, for missing three or more consecutive zoning hearing days, or for any other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

1011.D. Organization of Board.

1. Election of Officers. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

2. Quorum or Hearing Officer. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board. The Zoning Hearing Board, however, 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 Zoning Hearing Board. If by any reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the Zoning Hearing Board shall designate as many alternate members of the board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case by case basis in rotation according to declining seniority among all alternates.

3. Bylaws and Records. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the municipality and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and the Zoning Hearing Board chairperson or its secretary shall submit an annual report of its activities to the Board of Supervisors.

1011.E. Expenditure of Services. Within the limits of appropriated funds, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the governing body, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the Board of Supervisors.

1011.F. Hearings. The Zoning Hearing Board shall conduct hearings and render decisions in accordance with the following:

1. Notice of Hearings. Public notice and written notice shall be given to the Applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by Ordinance and to any person who has made timely request for the same. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The posting may be performed by the Applicant provided that an affidavit of posting is submitted to the Zoning Hearing Board at the commencement of the hearing. No other written notices shall be required.

2. Fees for Hearings. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and board members, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

3. Time Periods for Hearings. The first hearing before the Zoning Hearing Board

or Hearing Officer shall be commenced within 60 days from the date of receipt of the Applicant's application unless the Applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or Hearing Officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the Applicant in writing or on the record. An Applicant shall complete the presentation of his, her or its case-in-chief within 100 days of the first hearing. Upon the request of the Applicant, the Zoning Hearing Board or Hearing Officer shall assure that the Applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the Applicant's case-in-chief. The Applicant may, upon request, be granted additional hearings to complete his, her or its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the Applicant and the Township, be granted additional hearings to complete their opposition to the application provided the Applicant is granted an equal number of additional hearings for rebuttal.

4. Conduct of Hearings. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing 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 Zoning Hearing 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 Zoning Hearing Board and accept the decision or findings of the Hearing Officer as final.

5. Parties to the Hearings. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.

6. Oaths and Subpoenas. The chairman or acting chairman of the Zoning Hearing Board or the Hearing Officer presiding shall have 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 requested by the parties.

7. Right to Representation, Evidence and Argument. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

8. Rules of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

9. Stenographic Record and Transcript Fees. The Zoning Hearing Board

or the Hearing Officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or Hearing Officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board 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.

10. Communications and Site Visits. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his or her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

11. Timed Periods for Hearings, Decisions and Findings. The Zoning Hearing Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons thereof. Conclusions based on any provisions of this Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the Hearing Officer. Except for substantive challenges to the validity of the Ordinance under Section 1010(B) of this Ordinance, where the Zoning Hearing Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in paragraph (3) of this subsection above, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in paragraph (1) of this subsection above. If the Zoning Hearing Board shall fail to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. Mailing, Copies and Notice of Decisions. A copy of the final decision

or, where no decision is called for, of the findings shall be delivered to the Applicant personally or mailed to him, her or it not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 1012. MEDIATION OPTION.

1012.A. Parties to zoning hearing proceedings under this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, the procedures in this Chapter once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

1012.B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any Township offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

1. Funding mediation.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
3. Completing mediation, including time limits for such completion.
4. Suspending time limits otherwise authorized in the Pennsylvania Municipalities Planning Code and this Ordinance provided there is written consent by the mediating parties, and by an Applicant or municipal decision-making body if either is not a party to the mediation.
5. Identifying all parties and affording them the opportunity to participate.
6. Subject to legal restraints, determining whether the mediation session shall be open or closed to the public.
7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth under the Pennsylvania Municipalities Planning Code and this Ordinance.

1012.C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1013. JURISDICTION OF ZONING HEARING BOARD. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

- A. Substantive challenges to the validity of any land use Ordinance, except for those brought before the governing body such as in the case of a landowner curative amendment.
- B. Challenges to the validity of any land use Ordinance, based upon procedural questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the Zoning Hearing Board within 30 days after the effective date of the Ordinance subject to the appeal.
- C. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on an application, the issuance of any cease and desist order, the revocation of a Zoning Permit or building permit or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Zoning Officer with reference to the administration of any flood plain provision or regulation within any land use Ordinance.
- E. Applications for variances from the terms of this Ordinance.
- F. Applications for special exceptions under this Ordinance.
- G. Appeals from the determination of the Zoning Officer or the Municipal Engineer in the administration of any land use Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not related to development which is classified as a subdivision, land development, or a planned residential development.

SECTION 1014. VARIANCES.

1014.A. Provisions for Granting of a Variance. The Zoning Hearing Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. All applications for variances shall be on forms proscribed by the municipality and shall require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning Ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no

possibility that the property can be developed in strict conformity with the provisions of the zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

3. That such unnecessary hardship has not been created by the appellant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1014.B. Referral to Township Planning Commission. The Zoning Hearing Board prior to deciding on a use variance application may refer the application to the Township Planning Commission for review and recommendation to the Zoning Hearing Board.

1014.C. Reasonable Conditions and Safeguards. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

SECTION 1015. SPECIAL EXCEPTIONS.

1015.A. Provisions for Granting of Special Exception. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with provisions of this Ordinance. All applications for special exceptions shall be on forms proscribed by the Township and shall require preliminary application to the Zoning Officer. The Zoning Hearing Board shall grant approval only upon the determination that all applicable standards, criteria and provisions within this Ordinance, including the following have been met:

1. Public services and facilities such as water supply, sewage disposal, storm drainage, and fire and police protection are adequate for the proposed use and development.
2. Existing and future streets and access to the subject property shall be adequate for emergency services while avoiding undue congestion and providing for the safety and convenience of pedestrian and vehicular traffic.
3. The relationship of the proposed use and development to other uses and activities existing or planned in the vicinity shall be harmonious in terms of their location and site relative to the proposed operation, and the nature and intensity of the use.
4. The relationship of the proposed use and development to other activities

existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.

5. The proposed use and development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the zoning district.

6. The proposed use and development shall not be injurious to the public health, safety, welfare and morals.

7. The specific standards set forth for each particular use for which a special exception may be granted have been met.

8. The proposed use meets the other applicable requirements of this Ordinance.

9. The proposed use shall be consistent with the purpose and intent of the zoning Ordinance, the statement of community development objectives, the purposes for which the zoning district was created, and the comprehensive plan, if one is adopted by the municipality.

1015.B. Referral to Township Planning Commission. The Zoning Hearing Board prior to deciding a special exception application may refer the application to the Township Planning Commission for review and recommendation.

1015.C. Reasonable Conditions and Safeguards. In granting special exception approval, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

1015.D. Environmental Impact Statement (EIS). An EIS may be required by the Zoning Hearing Board to be performed by the Applicant. The purpose of this EIS is to disclose the impacts of a proposed use upon the environment so that the Zoning Hearing Board could decide whether to approve or deny the application or approve the application with conditions. The statement, if required, shall be prepared by a professional engineer licensed within the Commonwealth of Pennsylvania and shall include, at a minimum, an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts:

1. Soil Types.

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

- i. Distance of site from nearest surface water and head waters of streams.
 - ii. Sources of runoff water.
 - iii. Rate of runoff from the site.
 - iv. Destination of runoff water and method of controlling downstream effects.
 - v. Chemical additives to runoff water on the site.
 - vi. Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the Luzerne Conservation District.
 - vii. The information shall be set forth in a storm water management plan meeting the requirements of the SALDO.
2. Ground Cover (Vegetation and Animal Life).
- a. Extent of existing impervious ground cover on the site.
 - b. Extent of proposed impervious ground cover on the site.
 - c. Type and extent of existing vegetative cover on the site.
 - d. Extent of proposed vegetative cover on the site.
 - e. Type of animal life and effect on habitat.
 - f. Topographic and Geologic
 - i. Maximum existing elevation of site.
 - ii. Minimum existing elevation of site.
 - iii. Maximum proposed elevation of site.
 - iv. Minimum proposed elevation of site.
 - v. Description of the topography of the site and any special topographic features, and any proposed changes in topography.
 - vi. Surface and subsurface geology.

3. Ground Water.

- a. Average depth to seasonal highwater table.
- b. Minimum depth to water table on site.
- c. Maximum depth to water table on site.
- d. Quality.
- e. Water Supply
 - i. The source and adequacy of water to be provided to the site.
 - ii. The expected water requirements (g.p.d.) for the site.
 - iii. The uses to which water will be put.

4. Sewage Disposal.

- a. Sewage disposal system (description and location).
- b. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
- C. Expected daily volumes of sewage.
- D. Affected sewage treatment plant's present capacity and authorized capacity.

5. Solid Waste.

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

6. Air Quality.

- a. Expected changes in air quality due to activities at the site during and after construction.
- b. Plans for control of emissions affecting air quality.
- c. Establishment of air quality goals, including a description of any

programs to be implemented to achieve those air quality goals, a development plan for control strategies, and a schedule explaining the manner for on-going evaluations.

7. Noise.

a. Source and magnitude of noise levels expected to be generated at the site during and after construction.

b. Proposed method for control of additional noise on site during and after construction.

8. Property Values.

a. Identify, measure and explain the impact of the proposed use on real estate values.

b. To measure the impact of a proposed use on property values, sale transactions of three similarly situated properties within the neighborhood that sold in the last six months shall be appraised.

c. The data once collected shall be analyzed on a sales comparison approach before development of the proposed use and assuming post-development of the proposed use. Similarly situated uses in other areas should be examined when possible to determine what, if any, impact the proposed use will have on surrounding property values.

9. Land and Water Surface Use and Community Character.

a. Past and present use of the site with attention to storage or disposal of toxic or hazardous waste.

b. Adjoining land uses and character of the area.

c. Type and concentration of existing watercraft uses.

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

11. Historic Resources. Identification of structures or sites of historic significance and probable effect of the project.

12. Transportation. Existing network traffic volumes and capacities and need for

improvements required by the project.

13. 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.

14. Community Facilities and Services. Existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.

15. Economic and Social Impacts. The local economy and social structure and how the proposed use is likely to affect them.

16. Additional Requirements. In addition to the above requirements, the Zoning Hearing Board may require such other information as may be reasonably necessary for the applicable board to evaluate the proposed use for its impacts upon the community, including:

- 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 with copies of all completed applications and submissions.
- e. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

SECTION 1016. JURISDICTION OF BOARD OF SUPERVISORS. The Board of Supervisors as the governing body shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. All applications for approvals of planned residential developments.
- B. All applications and approvals of subdivisions or land developments. Any provision in a subdivision and land development Ordinance requiring that final action concerning subdivision and land development applications be taken by a planning agency rather than the governing body shall vest exclusive jurisdiction in the planning agency in lieu of the governing body for purposes of the provisions of this subsection.
- C. Applications for conditional use under the express provisions of this Ordinance pursuant to Section 1017.

D. Applications for curative amendment to a zoning Ordinance pursuant to Sections 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code.

E. All petitions for amendments to any land use Ordinance, pursuant to the procedures set forth in Section 609 of the Pennsylvania Municipalities Planning Code. Any action on such petitions shall be deemed legislative acts, provided that nothing contained in this clause shall be deemed to enlarge or diminish existing law with reference to appeals to court.

F. Appeals from the determination of the Zoning Officer or the Municipal Engineer in the administration of any land use Ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for land development. Where such determination relates only to development not involving a land development application, the appeal from such determination of the Zoning Officer or the Municipal Engineer shall be to the Zoning Hearing Board. Where the applicable land use Ordinance vests jurisdiction for final administration of subdivision and land development applications in the planning agency, all appeals from determinations under this subsection shall be to the planning agency and all appeals from the decision of the planning agency shall be to court.

G. Applications for a special encroachment permit under Sections 405 and 406 of the Pennsylvania Municipalities Planning Code.

SECTION 1017. CONDITIONAL USES.

1017.A. Provisions for Granting of Conditional Use. When conditional uses are allowed by this Ordinance, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with provisions of this Ordinance. All applications for conditional uses shall be on forms proscribed by the Township and shall require preliminary application to the Zoning Officer. The Board of Supervisors shall grant approval only upon the determination that all applicable standards, criteria and provisions within this Ordinance, including the following have been met:

1. Public services and facilities such as water supply, sewage disposal, storm drainage, and fire and police protection are adequate for the proposed use and development.
2. Existing and future streets and access to the subject property shall be adequate for emergency services while avoiding undue congestion and providing for the safety and convenience of pedestrian and vehicular traffic.
3. The relationship of the proposed use and development to other uses and activities existing or planned in the vicinity shall be harmonious in terms of their location and site relative to the proposed operation, and the nature and intensity of the use.
4. The relationship of the proposed use and development to other activities

existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.

5. The proposed use and development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the zoning district.

6. The proposed use and development shall not be injurious to the public health, safety, welfare and morals.

7. The specific standards set forth for each particular use for which a special exception may be granted have been met.

8. The proposed use meets the other applicable requirements of this Ordinance.

9. The proposed use shall be consistent with the purpose and intent of the zoning Ordinance, the statement of community development objectives, the purposes for which the zoning district was created, and the comprehensive plan, if one is adopted by the municipality.

1017.B. Referral to Township Planning Commission. The Board of Supervisors prior to deciding a Conditional Use Application may refer the application to the Township Planning Commission for review and recommendation.

1017.C. Reasonable Conditions and Safeguards. In granting conditional use approval, the Board of Supervisors may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code.

1017.D. Environmental Impact Statement (EIS). An EIS may be required by the Board of Supervisors to be performed by the Applicant. The purpose of this EIS is to disclose the impacts of a proposed use upon the environment so that the Board of Supervisors could decide whether to approve or deny the application or approve the application with conditions. The statement, if required, shall be prepared by a professional engineer licensed within the Commonwealth of Pennsylvania and shall include, at a minimum, an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts:

1. Soil Types.

a. U.S.D.A. Soil Types (show on map).

b. Permeability of soil on the site.

c. Rate of percolation of water through the soil for each five acres.

d. Surface Waters

i. Distance of site from nearest surface water and head waters of streams.

ii. Sources of runoff water.

iii. Rate of runoff from the site.

iv. Destination of runoff water and method of controlling downstream effects.

v. Chemical additives to runoff water on the site.

vi. Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the Luzerne Conservation District.

vii. The information shall be set forth in a storm water management plan meeting the requirements of the SALDO.

2. Ground Cover (Vegetation and Animal Life).

a. Extent of existing impervious ground cover on the site.

b. Extent of proposed impervious ground cover on the site.

c. Type and extent of existing vegetative cover on the site.

d. Extent of proposed vegetative cover on the site.

e. Type of animal life and effect on habitat.

f. Topographic and Geologic

i. Maximum existing elevation of site.

ii. Minimum existing elevation of site.

iii. Maximum proposed elevation of site.

iv. Minimum proposed elevation of site.

v. Description of the topography of the site and any special topographic features, and any proposed changes in topography.

vi. Surface and subsurface geology.

3. Ground Water.

- a. Average depth to seasonal highwater table.
- b. Minimum depth to water table on site.
- c. Maximum depth to water table on site.
- d. Quality.
- e. Water Supply
 - i. The source and adequacy of water to be provided to the site.
 - ii. The expected water requirements (g.p.d.) for the site.
 - iii. The uses to which water will be put.

4. Sewage Disposal.

- a. Sewage disposal system (description and location).
- b. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
- C. Expected daily volumes of sewage.
- D. Affected sewage treatment plant's present capacity and authorized capacity.

5. Solid Waste.

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

6. Air Quality.

- a. Expected changes in air quality due to activities at the site during and after construction.
- b. Plans for control of emissions affecting air quality.
- c. Establishment of air quality goals, including a description of any

programs to be implemented to achieve those air quality goals, a development plan for control strategies, and a schedule explaining the manner for on-going evaluations.

7. Noise.

a. Source and magnitude of noise levels expected to be generated at the site during and after construction.

b. Proposed method for control of additional noise on site during and after construction.

8. Property Values.

a. Identify, measure and explain the impact of the proposed use on real estate values.

b. To measure the impact of a proposed use on property values, sale transactions of three similarly situated properties within the neighborhood that sold in the last six months shall be appraised.

c. The data once collected shall be analyzed on a sales comparison approach before development of the proposed use and assuming post-development of the proposed use. Similarly situated uses in other areas should be examined when possible to determine what, if any, impact the proposed use will have on surrounding property values.

9. Land and Water Surface Use and Community Character.

a. Past and present use of the site with attention to storage or disposal of toxic or hazardous waste.

b. Adjoining land uses and character of the area.

c. Type and concentration of existing watercraft uses.

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

11. Historic Resources. Identification of structures or sites of historic significance and probable effect of the project.

12. Transportation. Existing network traffic volumes and capacities and need for

improvements required by the project.

13. 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.

14. Community Facilities and Services. Existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.

15. Economic and Social Impacts. The local economy and social structure and how the proposed use is likely to affect them.

16. Additional Requirements. In addition to the above requirements, the Board of Supervisors may require such other information as may be reasonably necessary for the applicable board to evaluate the proposed use for its impacts upon the community, including:

- 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 Township, county or state law and the status of each with copies of all completed applications and submissions.
- e. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

1017.E. Conditional Use Hearing. Conditional use hearings shall be conducted by the Board of Supervisors in the same manner as zoning hearings under Section 1011(F) above.

SECTION 1018. INITIAL DETERMINATION BY ZONING OFFICER. An application for a variance, special exception or conditional use shall not be considered by the Zoning Hearing Board or the Board of Supervisors until the Applicant has submitted a Zoning Permit Application and site plan to the Zoning Officer and the Zoning Officer has denied the application.

SECTION 1019. STANDING ON APPEALS TO THE ZONING HEARING BOARD OR BOARD OF SUPERVISORS. Appeals before the Zoning Hearing Board or Board of Supervisors shall be filed in writing by the affected landowner or by an aggrieved person or party. The Zoning Hearing Board or the Board of Supervisors may not accept appeal applications or proceed with any hearings from any Applicant, tenant or equitable owner of a

property without the express written consent of the landowner or legal title holder of the property.

SECTION 1020. APPEALS TO COURT. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive mode for securing review of any decision rendered under this Ordinance. The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

1020.A. Jurisdiction and Venue on Appeal and Time for Appeal. All appeals from all land use decisions rendered pursuant to Chapter 10 shall be taken to the county court of common pleas within 30 days from the date of mailing the decision, or in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given.

1020.B. Procedural Defects. Challenges to the validity of this Ordinance or the Zoning Map, or any amendment, raising procedural questions or alleged defects in the process of enactment or adoption shall be raised by appeal taken directly to the County Court of Common Pleas within 30 days after the intended effective date of this Ordinance or any amendment unless a party establishes each of the following:

1. There was a failure to strictly comply with statutory procedure.
2. There was a failure to substantially comply with statutory procedure which resulted in insufficient notification to the public of impending changes in or the existence of the Ordinance, so that the public would be prevented from commenting on those changes and intervening, if necessary, or from having knowledge of the existence of the Ordinance.
3. There exist facts sufficient to rebut any presumption that the municipality, residents, and landowners within the municipality have substantially relied upon the validity and effectiveness of the Ordinance.
4. If the challenge is made more than two years from the date of the alleged enactment, it must also be shown that:
 - a. The challenge would impermissibly deprive the appellants of constitutional rights to property and due process.
 - b. There was a failure to substantially comply with statutory procedure which resulted in insufficient notification to the public of impending changes in or the existence of the Ordinance, so that the public would be prevented from commenting on those changes and intervening, if necessary, or from having knowledge of the existence of the Ordinance.
 - c. There exist facts sufficient to rebut any presumption that the

municipality, residents and landowners within the municipality have substantially relied upon the validity and effectiveness of the Ordinance.

1020.C. Appeals to Court; Commencement; and Stay of Proceedings.

1. Land use appeals shall be entered as of course by the Pike County Prothonotary upon the filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.

2. Upon filing of a land use appeal, the County Prothonotary shall forthwith, as of course, send to governing body, the Zoning Hearing Board or agency whose decision or action has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding the governing body or the Zoning Hearing Board, within 20 days after receipt thereof, to certify to the court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to the governing body or Zoning Hearing Board at the time it received the writ of certiorari.

3. If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within seven days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the municipality and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of court.

4. The filing of an appeal in court under this Section shall not stay the action appealed from, but the appellants may petition the court for a stay. If the appellants are persons who are seeking to prevent a use or development of the land of another, whether or not a stay is sought by them, the landowner whose use or development is in question may petition the court to order the appellants to post bond as a condition to proceeding with the appeal. After the petition for posting a bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the landowners to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him, her or it if an appeal is taken from a final decision of the court. The question of the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the respondent to the petition for posting a bond to post a bond shall be interlocutory. If an appeal is taken by a respondent to the petition for posting a bond from an order of the court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and, after hearing in the court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by petitioner.

1020.D. Intervention. Within the 30 days first following the filing of a land use appeal, if The appeal is from a board or agency of the municipality, the municipality and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

1020.E. Hearing and Argument on Land Use Appeal. If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the court pursuant to Section 1010 of this Ordinance governing substantive challenges to the validity of this Ordinance shall not be remanded for further hearings before anybody, agency or officer of the municipality. If the record below includes findings of fact made by the governing body, Zoning Hearing Board or agency whose decision or action is brought up for review and the court does not take additional evidence or appoint a referee to take additional evidence, the findings of the governing body or the Zoning Hearing Board shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact or if additional evidence is taken by the court or by a referee, the court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

1020.F. Judicial Relief.

1. In a land use appeal, the court shall have the power to declare an Ordinance or map invalid and set aside or modify any action, decision or order of governing body, the Zoning Hearing Board, Zoning Officer or Municipal Engineer brought up on appeal.

2. If the court finds that an Ordinance or map, or a decision or order there under, which has been brought up for review unlawfully prevents or restricts a development or use which has been described by the landowner through plans and other materials submitted to the municipality, the Zoning Hearing Board, Zoning Officer or Municipal Engineer whose action or failure to act is in question on the appeal, it may order the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the governing body, the Zoning Hearing Board, Zoning Officer or Municipal Engineer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court's opinion and order.

3. Upon motion any of the parties or upon motion by the court, the judge of the court may hold a hearing or hearings to receive additional evidence or employ experts to aid the court to frame an appropriate order. If the court employs an expert, the report or evidence of such expert shall be available to any party and he or she shall be subject to examination or cross-examination by any party. He or she shall be paid reasonable compensation for his or her services which may be assessed against any of the parties as determined by the court. The court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issue

such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.

4. The fact that the plans and other materials are not in a form or are not accompanied by other submissions which are required for final approval of the development or use in question or for the issuance of permits shall not prevent the court from granting the definitive relief authorized. The court may act upon preliminary or sketch plans by framing its decree to take into account the need for further submissions before final approval is granted.