

ORANGE TOWNSHIP

COLUMBIA COUNTY, PENNSYLVANIA

ZONING ORDINANCE

PUBLIC REVIEW DRAFT
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TABLE OF CONTENTS

ARTICLE I
GENERAL PROVISIONS

		Page I-
100	Title	1
101	Short Title	1
102	Purpose	1
103	Interpretation	2
104	Severability	2
105	Effective Date	2

ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES

		Page II-
201	Community Development Objectives	1
202	Comprehensive Plan Goals and Objectives	1

ARTICLE III
DEFINITIONS

		Page III-
301	Rules of Construction and Definitions	1
302	Terms, Phrases and Words Not Defined	1
303	Definitions	1

ARTICLE IV
DISTRICT REGULATIONS

		Page IV-
401	Designation of Districts	1
402	Official Zoning Map	1
403	District Boundaries	1
404	District Regulations	2
	Schedule of Uses	4
	Schedule of Development Standards	7
	Table of Uses Permitted by District	9

ARTICLE V
SUPPLEMENTARY REGULATIONS

		Page V-
500	Introduction	1
501	Deviations From Required Sizes	1
502	Unique Lots, Yards and Building Locations	2
503	Accessory Structures and Uses	3
504	Off-Street Parking and Loading	8
505	Signs	15

ARTICLE VI
RESIDENTIAL STANDARDS

		Page VI-
601	Conservation Design Overlay District	1
602	Two Family Dwellings	10
603	Multi-Family Dwellings	11
604	Conversion to Dwellings	13
605	Group Homes	13
606	Assisted Care Dwelling Unit for Relative	14
607	Mobile Home Parks	15
608	Mobile Homes on Individual Lots	16
609	Reserved	
610	Bed and Breakfast Establishments	16
611	Hotels, Motels, and Lodging Facilities	17
612	Optional Transfer of Development Rights	17

ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION

		Page VII-
700	Design of Commercial establishments and Non-Residential Uses	1
701	Performance Standards Applicable to All Non-Residential Uses	1
702	Reserved	
703	Environmental Impact Statement	9
704	Special Conservation Standards	13
705	Earth - Bedrock Disturbance	14
706	Property Line Buffer Areas	15

ARTICLE VIII
STANDARDS FOR SPECIFIC USES

		Page VIII-
801	Adult Businesses	1
802	Reserved	
803	Agricultural Uses -- Crop Production and Livestock Operations	4
804	Airports and Heliports	5
805	Amusement Parks	6
806	Animals, Keeping of	6
807	Reserved	
808	Bulk Fuel Storage Facilities	10
809	Reserved	
810	Concentrated Animal Feeding Operations	10
811 to 812	Reserved	
813	Detention Facilities	12
814	Reserved	
815	Forestry Enterprises	13
816 to 819	Reserved	
820	Junk Yards	14
821 to 824	Reserved	

ARTICLE VIII
STANDARDS FOR SPECIFIC USES
(continued)

825 Mineral Extraction 16
 826 to 840 Reserved
 841 Self-Storage Facilities 18
 842 to 843 Reserved
 844 Shooting Ranges and Archery Ranges – Outdoor Commercial 19
 845 Shopping Centers, Malls, and Multiple Occupant Commercial Establishments 20
 846 to 847 Reserved
 848 Solid Waste 21
 849 Reserved
 850 Storage Yard for Forest Products and Stone 23
 851 Swimming Pool, Commercial 23
 852 Reserved
 853 Treatment Centers/Clinics, Medical offices, and Health Facilities 24
 854 to 855 Reserved
 856 Vehicle Related Uses 25
 857 Reserved
 858 Wind Farms 27
 859 Wireless Telecommunications Facilities 29

ARTICLE IX
NONCONFORMITIES

901 Purpose, Applicability, Registration, and Continuation and Change 1
 902 Definitions 1
 903 Nonconformities Under Development 2
 904 Nonconformities by Variance 2
 905 Normal Maintenance and Repair Activities 2
 906 Changes of Nonconforming Uses 3
 907 Extension of Nonconforming Uses 3
 908 Reconstruction 4
 909 Abandonment and Reestablishment of Nonconformities 4
 910 Alterations and Expansions of Nonconforming Structures 4
 911 Use of Nonconforming Lots of Record 5
 912 Review Factors 6

ARTICLE X
OPEN LAND, RECREATION LAND, DEVELOPMENT IMPROVEMENTS AND
COMMON FACILITIES -- OWNERSHIP AND MAINTENANCE

1001 Purpose 1
 1002 Plan and Legal Documents 1
 1003 Use Restriction 1
 1004 Development Plan Designations 1
 1005 Methods for Use Dedication and Common Area Ownership 1
 1006 Failure to Preserve Dedication 3

ARTICLE XI
ADMINISTRATION

Page XII-

1100 Applicability 1

1101 General Procedure for Permits 1

1102 Permits and Certificates 2

1103 Fees 5

1104 Zoning Officer 6

1105 Zoning Hearing Board 7

1106 Zoning Hearing Board -- Hearings and Decisions 8

1107 Variances 10

1108 Conditional Uses and Special Exceptions 11

1109 Time Limits on Permits and Variances 14

1110 Mediation 15

1111 Time Limits for Appeals 15

1112 Appeals to Court and Other Administrative Proceedings 15

1113 Public Utility Exemptions 15

1114 Limited Borough Exemption 15

1115 Amendments 15

1116 Violations 15

1117 Penalties and Remedies 16

1118 Liability 17

ARTICLE XII
FLOODPLAIN DEVELOPMENT STANDARDS

1201 General Provisions 1

1202 Administration 1

1203 Identification of Floodplain Areas 4

1204 Technical Provisions 5

1205 Existing Structures in Identified Floodplain Areas 10

1206 Variances 10

1207 Definitions 11

ARTICLE XIII
ADOPTION

Page XIII-

Adoption 1

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

ARTICLE I - GENERAL PROVISIONS

100 Adoption and Conflict

The Orange Township Zoning Ordinance of 2003, is hereby adopted as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of the Township of Orange. If any other ordinance, code or regulation of the Township of Orange is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

101.1 Title

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

101.2 Short Title

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

102 Purpose

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

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

encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

103 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

104 Severability

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

105 Effective Date

This Zoning Ordinance shall take effect immediately upon its adoption.

**ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES and GOALS**

201 General Community Development Objectives

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

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

202 Comprehensive Plan Goals and Objectives

In addition to the General Community Development Objectives set forth in §201, this Zoning Ordinance is intended to implement the goals and objectives contained in the Township Comprehensive Plan and any multi-municipal comprehensive plan or open space plan which may be adopted by the Township.

ARTICLE III - DEFINITIONS

3.100 RULES OF CONSTRUCTION AND DEFINITIONS

The following rules of construction shall apply to this Ordinance:

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

3.200 TERMS, PHRASES AND WORDS NOT DEFINED

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

3.300 DEFINITIONS

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

Abandoned or Junked Vehicle: Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition.

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

Accessory Use or Structure: A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

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

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

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

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

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

The term Adult Bookstore shall include but not be limited to an Adult Video Store, and all such uses shall be considered an Adult Business for the purpose of this Ordinance.

Adult Business: Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of *specified anatomical areas* or by *specified sexual activities*, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of *specified sexual activities* or *specified anatomical areas*, or where any *specified sexual activities* are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article II:
 - 1. adult arcade
 - 2. adult bookstore or adult video store
 - 3. adult live entertainment use or facility
 - 4. adult motel
 - 5. adult motion picture theater
 - 6. adult theater
 - 7. escort agency
 - 8. massage parlor
 - 9. nude model studio
 - 10. sexual encounter center

Adult Care Facility: See *health facility*.

Adult Live Entertainment Use or Facility: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

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

An *adult live entertainment use or facility* shall be considered an *adult business* for the purpose of this Ordinance.

Adult Motel: A hotel, motel or similar commercial establishment which:

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

An *adult motel* shall be considered an *adult business* for the purpose of this Ordinance.

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

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

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

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

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

Alterations: As applied to a building or structure, means any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Arcade: A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-operated amusement devices are maintained. The use of less than five (5) such devices shall be permitted as an accessory use to any lawful principal commercial use.

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

Apartment: See *dwelling*.

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

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

Archery Range, Outdoor: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including but not limited to, target shooting ranges, and target shooting courses. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor archery range for the purposes of this Zoning Ordinance. See *recreational facility, private*.

Assisted Care Dwelling Unit for Relative: A separate mobile home especially erected for and limited to the temporary occupancy by a person who is *related* (see definition) to the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others, or physical handicap. (See §606.)

Automobile Rental Operation: An establishment which rents automobiles, but no other types of vehicles or equipment, to the general public and which does not include the sale or service of any vehicles on the premises. (See *vehicle and equipment sales/rental operations*.)

Automobile Rental Operation, Ancillary: An automobile rental operation conducted in association with another approved commercial use and which rents a total of no more than five (5) automobiles (i.e., passenger cars and passenger vans used for transport of people but not goods and materials) at any given time. Considered a *service establishment* for purposes of regulation by this Ordinance.

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

Basement: An enclosed floor area partly or wholly underground, other than a building which is completely underground.

Bed and Breakfast: Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area and shall not be used for long term occupancy or residency of guests.

Betting Use: A use where lawful gambling activities are conducted, including but not limited to off-track para-mutual betting. This term shall not include betting under the State Lottery programs or betting under the *Small Games of Chance* provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property.

Boarding or Lodging House: Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire with meals normally, but not necessarily included as a part of the services rendered.

Board of Supervisors or Supervisors: The Board of Supervisors of Orange Township, Columbia County, Pennsylvania.

Buffer: A strip of land that separates one use from another use or feature, and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

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

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

Building Height: The vertical distance of a building measured from the average ground level to the highest part of the structure, excluding chimneys.

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

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

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

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

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

Car/Truck Wash: Any building or premises or portions thereof used for washing automobiles or trucks for commercial purposes.

Cemetery: Land or buildings used for the burial of deceased humans or animals. The internment or scattering or remains of properly cremated humans is not regulated by this ordinance.

Church: See *place of worship*.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide 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. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

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

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

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

Commission: The Planning Commission of Orange Township, Columbia County, Pennsylvania.

Comprehensive Plan: The Orange Township Comprehensive Plan including all maps, charts and textual matter.

Concentrated Animal Feeding Operation: See §810.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after recommendations by the Planning Commission.

Condominium: A set of individual dwelling units or other areas of building each owned by an individual person(s) 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 was created under the PA Unit Property Act of 1963 (at the time such law was in effect) or is/was created under the PA Uniform Condominium Act of 1980, as amended.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted. (See §601.4 and §601.5.)

Conservation Area, Secondary: Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community. (See §601.4 and §601.5.)

Conservation Design Subdivision: A subdivision designed at the dwelling unit density specified in the Township Zoning Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity. (See §601.)

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

such as agriculture and forestry.

Conservation Open Space: That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

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

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

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a *supermarket*). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

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

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

County: The County of Columbia, Commonwealth of Pennsylvania.

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

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

Day Care, Adult: A use providing supervised care and assistance primarily to persons not in good physical health, or who are suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall 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 during the average day. This use may also include educational programs that are supplementary to State-required education, including a nursery school. The following three types of day care are permitted without regulation by Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of care giver. (See also the definition of *day care, adult*.)

A. (Child) Day Care, as an Accessory Use - A type of *day care* use that provides care for six (6) or fewer children at one time who are not relatives of the care giver.

B. (Child) Day Care Center, as a Principal Use - A type of *day care* use that provides care for seven (7) or more children at any one time who are not relatives of the primary operator.

Deck: An attached accessory structure elevated more than twelve (12) inches and constructed with no walls or roof. As an attached accessory structure, it must meet the required setbacks for the principal building.

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

Detached Building: A building that is surrounded on all sides by open yards and that is not attached to any other building.

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

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who proposes to make or causes to be made a subdivision of land or a land development.

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

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

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

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

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

Driveway: A privately owned, constructed, and maintained vehicular access from a street or access drive to a dwelling unit, commercial unit, institutional or industrial principal use. (See also *access drive*.)

Drug Paraphernalia: Any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania Law.

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

Dwelling, Multi-Family: (See also *multi-family project*.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

A. Residential Conversion to Apartments - Conversion of an existing single family detached dwelling having been used as such for ten (10) or more years into three (3) to five (5) dwelling units and not exceeding two and

one-half (2 ½) stories in height.

- B. Garden Apartment - Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2 ½) stories in height, not including townhouses.
- C. Townhouse - Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit separated from any other unit by one or more common fire resistant walls.
- D. Medium High-Rise Apartment - Multi-family dwellings of more than two and one-half (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit accommodating one family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

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

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.

Engineer, Township: a profession engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer of the Township.

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

Escort Agency: A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An *escort agency* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

Essential Services: Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building see *semi-public building or use*.)

Exercise Club: A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, and racquetball courts.

Family: One or more persons living in a single dwelling unit functioning as a common household unit sharing meals

and household expenses and sharing joint use of the entire dwelling unit. If a dwelling unit is rented, in order to qualify as a family, there shall not be more than one (1) lease among all of the occupants. A family shall not include more than five (5) persons who are not *related* to each other (see definition). (See provisions in §605 regarding maximum number of unrelated persons within a *group home*. A *treatment center* shall not be considered a *family* or a *group home*. See also the definition of a *dwelling unit*.)

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

Fence: A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed or wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a *wall*. The term *wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *fence* and *wall* do not include hedges, trees or shrubs.

Flea Market: Any sales activity conducted under any pavilion or other building or structure which is not fully enclosed where stalls or sales areas may be set aside and rented or otherwise provided which are intended for use by various unrelated individuals at which articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique are sold, and which may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. (Note: Any sales or service activity which is conducted in the open air shall be considered a temporary commercial use as governed by §8.5000 of this Zoning Ordinance.)

Floodplain: See §7.403.

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

Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

Garage, Private: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

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

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

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. See *recreation facility, private*.

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

Good Operating and Road-Worthy Condition: A vehicle having both a current and valid registration and current and

valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

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

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

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

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

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

*NOTE: As of 1992, the Federal Fair Housing Act defined *Handicap* as follows: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21. A use that would otherwise meet the definition of group home but which includes more than the permitted number of residents shall be considered an *Institutional Group Home*, which is a distinct use.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including abused person shelters, hospital facilities, nursing homes and adult care facilities, and personal care homes or centers, whether publicly or privately operated, but excluding treatment centers/clinics.

Heliport: An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage, including any such area accessory to a principal use. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A Public Heliport - A heliport that does not meet the definition of a *private heliport*. Public heliports shall be considered *airports* for regulation by this Zoning Ordinance.

- B. Private Heliport - A heliport limited to a maximum total of 15 flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also known as a helistop.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; including but not limited to the following occupations: the professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, veterinarians, and other uses meeting the requirements of §5.303 and the other applicable standards in this Ordinance; excluding commercial stables, kennels, motor vehicle or small engine repair shops, and any retail and wholesale sales.

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

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, but excluding treatment centers/clinics. (See *health facility*).

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

Impervious Surface: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is *impervious*.

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

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

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery

used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

- C. Construction and contractors equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with the Township Zoning Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

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

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles if not screened. (See definition of *screened*.)
- B. The outside storage or deposit on a lot of five (5) or more abandoned or junked vehicles if screened. (See definition of *screened*.)
- C. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

Kenel: Any establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition shall also include any veterinary clinic with outdoor animal runs.

Land Development: Any of the following activities:

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

The definition of land development shall not include:

- A. The addition of an accessory building on a lot or lots subordinate to an existing principal building;
- B. The conversion of an existing single-family detached dwelling or a two-family dwelling into not more than three (3) residential dwelling units, unless such units are intended to be a condominium.

Landowner: The legal or beneficial owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of a landowner, or other persons having a proprietary interest in land, shall be deemed to be landowners for the purpose of this Ordinance.

Living Space: The sum of the areas of the several floors of a dwelling unit used for human occupancy and including

finished basements and attics as measured from the interior faces of the walls. It does not include cellars, crawl spaces, unenclosed porches, attics not more than six (6) feet in height and not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Livestock Operation: The raising or keeping of livestock for home use or any commercial purpose.

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

Lot: A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the Columbia County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

Lot Area: The horizontal land area contained within the lot lines of a lot (measured in acres or square feet) determined by deducting from the total lot size the areas as specified in §601.4,D (areas of constrained land).

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

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

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line most distant from and most parallel to the front lot line.

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

Lot Line House: A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

Lot Width: The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in the Township Subdivision and Land Development Ordinance. 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.

Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes and any such home subject to U.S. Department of Housing and Urban Development regulations.

Manufacturing and Industry: Establishments engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufactures, the blending of materials such as lubricating oils, plastics, resins or liquors, other basic industrial processes, and any facility involving processes resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. *Agricultural products processing* shall also be considered *manufacturing and industry*.

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

Massage: The performance of manipulative exercises using the hands and/or a mechanical or bathing device on a person(s)'s skin other than the face or neck by another person(s) for a certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.

Massage Facility, Therapeutic: A service establishment that meets all of the following criteria:

- A. Massages are conducted (see definition); and,
- B. The person conducting the massage is licensed by the state as a health care professional or a therapeutic massage therapist, or is certified by a recognized therapeutic massage organization that requires substantial professional training.

Massage Parlor: An establishment that meets all of the following criteria:

- A. Massages are conducted (see definition);
- B. The person conducting the massage is not licensed by the state as a health care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;
- C. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
- D. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

A *massage parlor* shall be considered an “adult business” for the purposes of this Zoning Ordinance.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually overnight.

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

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

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

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

Mineral Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. See *manufacturing*.

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

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, the said mobile home as defined by this Zoning Ordinance.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes, the said mobile homes as defined by this Zoning Ordinance.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least twenty-five (25) percent of the rooms having direct access to the outside.

Multi-Family Project: Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project. Two-family dwellings in a multi-family project shall be considered townhouses.

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

NOTE: See §9.200 for additional definitions applicable to nonconformities.

Nonconforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Columbia County Recorder of Deeds prior to the effective date this Zoning Ordinance, as amended, reenacted and replaced.

Nonconforming Structure: A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure Ordinance fully existed prior to the enactment of this Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming 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 hereto, where such use was Ordinance fully in existence prior to the enactment of this Zoning Ordinance, as amended, reenacted and replaced.

Nude Model Studio: Any place where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A *nude model studio* shall be considered an *adult business* for the purposes of this Zoning Ordinance.

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

Nursery, Commercial: A commercial operation where trees and shrubs are grown for transplanting, or for use as stocks for budding and grafting.

Nursing Home: A facility licensed by the State for the housing and intermediate or fully-skilled nursing care of three (3) or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a *treatment center*. (See *health facility*.)

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

Offices: A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Off-Site Sewage Disposal: A sanitary sewage collection system in which sewage is carried from individuals lot or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Off-Site Water Supply: A drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central supply which may be publicly or privately owned and operated.

On-Site Sewage Disposal: A single system of piping, tanks or other facilities serving only a single lot.

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

Open Land or Open Space: That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning

Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forest land or estate lots which are not accessible to project residents or the public.

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

Parcel: See *lot*.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete, frost-free footer or a precast foundation set below the frost line.

Permit: A document issued by the proper Township authority authorizing the applicant to undertake certain activities.

- A. Zoning Permit - A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or *a permit under this Ordinance* shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.
- B. Construction Permit - A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code(s) adopted by the Township.
- C. Use Permit - A permit that may be required by the Township that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or re-occupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of Township Ordinances. This shall have the same meaning as a *Certificate of use and Occupancy*.

Personal Care Home or Center: A residential use providing residential and support services primarily to persons who are over age sixty (60), and/or physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a *treatment center/clinic*. See *health facility*.

Personal Wireless Facility: see *wireless telecommunications facility*.

Place of Worship: Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated as the appropriate dwelling type; for example, a use involving multi-family dwellings shall be regulated as such in terms of district location, density and other design standards. (See also *semi-public buildings and uses*).

Planning Commission: The Planning Commission of Orange Township.

Porch: An attached accessory roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Principal Building: The building in which the principal use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

Principal Use: A dominant use(s) or main use on a lot, as opposed to an accessory use.

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

Public Buildings and Uses: Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.

Public Hearing: A formal meeting held pursuant to public notice by the Planning Commission or the Board of Supervisors, intended to inform and obtain public comment, prior to taking action in accord with Pennsylvania Municipalities Planning Code.

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

Public Notice: Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the Township, with not less than five (5) days between the notices. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

Recreation Facilities, Private: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, animal farms, shooting ranges, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds.

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

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Vehicle Park: See *campground and RV parks*.

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include, except as specifically authorized by the Township in accord with §836 of this Ordinance, tires, large appliances such as stoves, refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as *Junk* or *Solid Waste* by this Ordinance.

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

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

Residency, Long-Term: Occupancy of a dwelling, generally for periods of more than 180 days, as opposed to temporary visits to bed and breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant.

Restaurant, Drive-In: An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Restaurant, Standard: 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. A standard 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* must be met.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, and which is not otherwise listed as a use in the Schedule of Uses.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.

Satellite Dish Antenna or Satellite Antenna : A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached structure.

School, Public or Private Primary or Secondary School: - An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools* (such as privately operated schools of trade, vocation or business.) See *public and semi-public buildings and uses*.

Screened: Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

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

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A *sexual encounter center* shall be considered an *adult business* for the purpose of this Ordinance.

Shed: An accessory structure, either attached or detached, used for the storage of tools, minor equipment, and materials.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

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

Shooting Range, Indoor: Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members shall be considered an indoor shooting range for the purposes of this Zoning Ordinance. See *recreation facility, private*.

Shooting Range, Outdoor: Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes, including but not limited to, shooting preserves, target shooting ranges, skeet and trap shooting ranges and courses, and sporting clay shooting operations. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members shall be considered an outdoor shooting range for the purposes of this Zoning Ordinance.

Sign: See Article XI.

Slaughter House: A agricultural products processing use involving the killing of animals for the production of food or some other commercial product. A commercial stockyard or similar facility that primarily involves the bulk storage or transferring of animals on the way to slaughter shall also be considered a slaughter house. This shall not include a custom butcher shop that does not involve killing of animals (which is a retail sales use.) See *agricultural products processing*.

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

Solid Waste Facility, Commercial: Any facility or operation of a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Facility, Public: Any facility or operation of a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this Ordinance.

Specified Anatomical Areas: Any of the following:

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

Specified Sexual Activities: Any of the following:

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

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

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

Storage Yard For Forest Products and Minerals: An area, not on the same parcel where the products are initially

harvested or gathered, to which trees, forest products, flag stone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

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

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

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

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

Structure, Temporary: Any structure which is erected with the intent of being removed within six (6) months.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

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

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

Telecommunications Site: see *wireless telecommunications facility*.

Telecommunications Tower: see *wireless telecommunications facility*.

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.

Township: Orange Township, Columbia County, Pennsylvania.

Tract: See definition of *lot*.

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

Treatment Center/Clinic: A use (other than a detention facility or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one (1) year and who need such facilities because of:

- A. Chronic abuse of or addiction to alcohol and/or a controlled substance, or
- B. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

Trip Ends: The total of trips entering and leaving a specific land use or site over a designated period time.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term *permitted use* or its equivalent shall not be deemed to include any non-conforming use.

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

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

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

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

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises. Any facility with outdoor kennels or pens shall be considered a *kennel* for regulation by this Ordinance.

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Extraction And Bottling: Any use which involves the pumping or removal of water from groundwater sources, with or without bottling, for retail or wholesale sale. *Water extraction and bottling* shall be considered *manufacturing and industry* for the purposes of regulation by this Ordinance.

Wetland: Any area defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wild or Exotic Animal: Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

Wind Farm: A facility where one (1) or more windmills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A windmill accessory to a principal

structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind farm*.

Wireless Telecommunications Facility or Telecommunications Tower or Telecommunications Site or Personal Wireless Facility: A structure, facility or location designed, or intended to be used as, or used to support, antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, free standing towers, guyed towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications services, or microwave telecommunications, but excluding those used exclusively for fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines, perpendicular to the road/property line to the nearest point of the structure.

Yard Sale: Any offering for sale to the public of used and accumulated normal household and other personal items conducted on a temporary, intermittent basis (not to exceed five [5] sales per year for not more than three [3] consecutive days each) as an accessory use to a residential dwelling. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Zoning Ordinance.

Zoning Map: The Official Zoning Map of Orange Township.

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

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

ARTICLE IV DISTRICT REGULATIONS

401 Designation of Districts

401.1 Designation

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

RES	Residential District
CON	Conservation District
RUR	Rural District
DEV	Development District

401.2 Intent

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

401.3 Floodplain Overlay District

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

401.4 Optional Conservation Subdivision Design Overlay District -- Developer's Option

The Optional Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. Based on the request of the Developer, the District shall apply to all areas of the Township in Districts where residential development is permitted, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of §601 of this Zoning Ordinance shall apply.

402 Official Zoning Map

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

403 District Boundaries

403.1 Establishment

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

403.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official

Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.3 Uncertainty

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

404 District Regulations

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

404.1 Use Regulations

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

- A. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- B. Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
- C. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provision of this Ordinance. In cases where this Ordinance provides different requirements for the same use, the most restrictive requirement shall apply.

404.2 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
 1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 3. The use is not permitted in any other zoning district.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.

D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

404.3 Development Standards

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

404.4 Table of Uses Permitted by District

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

RES - RESIDENTIAL DISTRICT -- SCHEDULE OF USES

<p>INTENT: To provide areas adequate to accommodate the Township’s single-family housing needs at higher densities than other districts and recognize existing planned communities. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.</p>	
<p style="text-align: center;">PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Crop production - Forestry enterprises - Group homes - Livestock operations on a minimum of ten acres - Public parks and playgrounds - Retail sales of agricultural / forestry products produced and/or processed on the premises - Retail sales limited to 1,000 sq. ft. of agricultural / forestry related products and produce in association with an active agriculture / forestry use - Single-family detached dwellings <hr/> <p style="text-align: center;">CONDITIONAL USES (Planning Commission / Board of Supervisors)</p> <ul style="list-style-type: none"> - Bed and breakfast establishments - Day care, adult - Day care, child - Semi-public buildings and uses - Stables, private, in association with a single-family detached dwelling 	<p style="text-align: center;">ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Essential services - Home gardens, home greenhouses and nurseries - Home occupations* - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennae - Yard sales <p>*See §503 which classifies certain home occupations as conditional uses.</p> <hr/> <p style="text-align: center;">SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)</p> <ul style="list-style-type: none"> - Places of worship - Public buildings and uses - Schools, public or private, primary or secondary <p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the RES District except as approved in accord with §404.2.</p>

CON - CONSERVATION DISTRICT -- SCHEDULE OF USES

<p>INTENT: To limit development along Stony Brook and on Knob Mountain, two significant natural areas in the Township, to lower density residential development and other less intensive uses such as agriculture and forestry.</p>	
<p style="text-align: center;">PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Crop production - Forestry enterprises - Group homes - Livestock operations on a minimum of ten acres - Public parks and playgrounds - Retail sales limited to 1,000 sq. ft. of agricultural / forestry related products and produce in association with an active agriculture / forestry use - Single-family detached dwellings - Stables, private, in association with a single-family detached dwelling <hr/> <p style="text-align: center;">CONDITIONAL USES (Planning Commission / Board of Supervisors)</p> <ul style="list-style-type: none"> - Bed and breakfast establishments <hr/> <p style="text-align: center;">SPECIAL EXCEPTIONS</p> <p>none</p>	<p style="text-align: center;">ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Essential services - Home gardens, home greenhouses and nurseries - Home occupations* - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennae - Yard sales <p>*See §503 which classifies certain home occupations as conditional uses.</p> <hr/> <p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the CON District except as approved in accord with §404.2.</p>

RUR - RURAL DISTRICT -- SCHEDULE OF USES

INTENT: To permit, protect and encourage the continued use of land for agriculture and forestry enterprises. The district is composed of those areas of the Township where agriculture and forestry enterprises are the predominant land uses. The performance standards applicable in the district are designed to protect and stabilize the essential elements of the district’s existing character, to minimize spillover effects conflicting land uses, to limit development which requires central water supply and central sewage disposal, and to maintain land in parcels of adequate size to support economically viable agricultural and forestry operations. Concurrently, a number of commercial and other uses are permitted to enable the owners of large parcels of land to realize reasonable income from their land, thereby forestalling its sale for development.

PRINCIPAL PERMITTED USES

(Zoning Officer)

- Bed and breakfast establishments*
- Commercial greenhouses and nurseries*
- Crop production
- Day care, adult*
- Day care, child*
- Forestry enterprises
- Group homes
- Livestock operations
- Public buildings and uses
- Public parks and playgrounds
- Retail sales of agricultural / forestry products produced and/or processed on the premises
- Retail sales limited to 1,000 sq. ft. of agricultural / forestry related products and produce in association with an active agriculture / forestry use
- Single-family detached dwellings
- Stables, boarding, commercial, and horses for hire
- Stables, private in association with a single-family detached dwelling
- Storage yards for forest products and stone*
- Two-family dwellings
- Veterinary clinics*

*Considered conditional use if structure is located within 200 feet of existing residential dwelling not located on same parcel with proposed use

ACCESSORY USES

(Zoning Officer)

- Accessory uses customary to approved uses
- Essential services
- Home gardens, home greenhouses and nurseries
- Home occupations*
- Pets, keeping of
- Private garages, carports, sheds
- Private swimming pools
- Required parking areas
- Signs accessory to approved uses
- Satellite dish antennae
- Yard sales

*See §503 which classifies certain home occupations as conditional uses.

CONDITIONAL USES

(Planning Commission / Board of Supervisors)

- Agricultural products processing only for products raised on the premises
- Aircraft sales, repair or modification
- Airports and heliports, private and public
- Amusement parks
- Archery ranges, outdoor
- Campgrounds and recreational vehicle parks
- Cemeteries
- Concentrated animal feeding operations
- Contractor’s yards
- Country clubs
- Detention facilities
- Golf courses
- Health facilities
- Home based businesses
- Junkyards
- Kennels
- Manufacturing, light
- Mineral extraction
- Mineral processing
- Mobile home parks
- Nursing homes
- Recreational facilities, private
- Race tracks
- Sawmills
- Semi-public buildings and uses
- Shooting ranges, outdoor
- Solid waste facilities and staging areas
- Wholesale businesses
- Wireless telecommunications facilities
- Wind farms
- Zoos and menageries

SPECIAL EXCEPTIONS

(Planning Commission / Zoning Hearing Board)

- Places of worship
- Schools, public or private primary or secondary

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

DEV - DEVELOPMENT DISTRICT -- SCHEDULE OF USES

INTENT: To provide areas within the Township for the location of businesses and commercial enterprises of all types catering to the needs of local residents as well as surrounding communities, the region, and travelers, and to provide for a variety of housing types at densities higher than other districts.

<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Bed and breakfast establishments - Boarding and lodging houses - Clubs/lodges, private - Commercial greenhouses and nurseries - Convenience stores - Crop production - Day care, adult - Day care, child - Exercise clubs - Forestry enterprises - Group homes 			<ul style="list-style-type: none"> - Livestock operations - Medical clinics - Nursing homes - Offices - Professional offices - Public buildings and uses - Public parks and playgrounds - Recycling units, mobile - Restaurants, traditional - Retail businesses - Retail sales of agricultural / forestry products produced and/or processed on the premises 			<ul style="list-style-type: none"> - Retail sales limited to 1,000 sq. ft. of agricultural / forestry related products and produce in association with an active agriculture / forestry use - Service establishments - Single-family detached dwellings - Theaters - Trade schools - Two-family dwellings - Taverns - Veterinary clinics - Warehouses - Wholesale businesses 		
<p>CONDITIONAL USES (Planning Commission / Board of Supervisors)</p> <ul style="list-style-type: none"> - Abused person shelter - Adult businesses - Agricultural products processing - Amusement arcades - Banks - Betting uses - Bulk fuel storage - Bus terminals - Car and truck washes - Cemeteries - Crematoria - Contractor yards 			<ul style="list-style-type: none"> - Detention facilities - Drive-in theaters - Flea markets - Funeral parlors - Gasoline service station - Golf courses - Health facilities - Hotels - Manufacturing and industry - Manufacturing, light - Mobile home parks - Motels - Multi-family dwellings - Recycling facilities 			<ul style="list-style-type: none"> - Recreational facilities, private - Restaurants, drive-in - Sawmills - Semi-public buildings and uses - Shopping centers and malls - Self-storage facilities - Slaughter houses - Stables, private, in association with a single-family detached dwelling - Treatment centers/clinics - Truck terminals - Vehicle or equipment repair operations - Vehicle or equipment sales/rental operation 		
<p>ACCESSORY USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Essential services - Home gardens, home greenhouses and nurseries - Home occupations* - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennae - Yard sales <p>*See §503 which classifies certain home occupations as conditional uses.</p>			<p>SPECIAL EXCEPTIONS (Planning Commission / Zoning Hearing Board)</p> <ul style="list-style-type: none"> - Places of worship - Schools, public or private, primary or secondary <hr/> <p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the DEV District except as approved in accord with §404.2.</p>					

SCHEDULE OF DEVELOPMENT STANDARDS

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

PART 1 RESIDENTIAL STANDARDS FOR DWELLINGS PLANNED AS PART OF A CONSERVATION DESIGN SUBDIVISION	
Zoning district " " " " " " " " " " " "	ALL ZONING DISTRICTS
Conservation Design Subdivision	see §601

PART 2 RESIDENTIAL LOT SIZE AND DENSITY FOR DWELLINGS PLANNED AS PART OF A STANDARD SUBDIVISION				
Zoning district " " " " " " " " " " " "	RES	CON	RUR	DEV
Minimum lot size for SINGLE-FAMILY DWELLINGS				
On-site sewage & on-site water	1.00 acre	4.00 acres*	1.00 acre	1.00 acre
On-site sewage & central water	1.00 acre	4.00 acres*	1.00 acre	1.00 acre
Central sewage & on-site water	0.75 acre	4.00 acres*	1.00 acre	0.75 acre
Central sewage & central water	0.50 acre	4.00 acres*	1.00 acre	0.50 acre
*See §601 which allows a higher density for conservation design subdivisions in the CON District				
Minimum lot size for TWO-FAMILY DWELLINGS (per 2 dwelling units)				
On-site sewage & on-site water	not permitted	not permitted	1.50 acres	1.50 acres
On-site sewage & central water	not permitted	not permitted	1.50 acres	1.50 acres
Central sewage & on-site water	not permitted	not permitted	1.50 acres	1.10 acres
Central sewage & central water	not permitted	not permitted	1.50 acres	0.75 acre
Development standards for MULTI-FAMILY DWELLINGS --central water and central sewage disposal required see				
Garden apartments	not permitted	not permitted	not permitted	see §603
Townhouses	not permitted	not permitted	not permitted	
Apartment buildings	not permitted	not permitted	not permitted	
Development standards for MOBILE HOME PARKS --central water and central sewage disposal required				
Mobile home parks	not permitted	not permitted	see §607	see §607
NOTE: See definition of lot area which requires the deduction of certain areas when determining minimum lot size.				

PART 3				
LOT DIMENSIONS FOR DWELLINGS ON EXISTING LOTS OR LOTS PLANNED AS PART OF A STANDARD SUBDIVISION				
(see §601 for conservation design subdivisions)				
SINGLE-FAMILY and TWO-FAMILY residential in all districts where permitted				
(see §602 for additional two-family dwelling standards)				
STANDARD (see §911 for nonconforming lots)	LOT SIZE			
	Equal to or greater than			Less than
	2.0	1.0	0.5	0.5
Minimum Yards for Proposed Lots and Existing Lots (i.e., building setbacks)				
(see §503 for accessory structures)				
Fronting on Route 487 or Route 93	40 feet from edge of road right-of-way or 80 feet from road centerline, whichever is greater			
Fronting on all other roads (measured from road right-of-way in feet)	40	30	30	25
Rear (feet)	30	20	15	15
Side (feet)	20 each side	15 each side	10 one side 25 combined	10 each side
Buffers for wetlands and water bodies	see §704.2, §704.3			
Lot Dimensions for Proposed Lots				
Minimum width (feet)	200	125	100	new lots < 0.5 acres not permitted
Minimum depth to width ration (no lot need exceed a width of 300 feet)	4 : 1	3.5 : 1	3.5 : 1	
Maximum lot coverage (percent) total of all proposed and existing impervious surfaces	20	20	25	30
MULTI-FAMILY DWELLINGS - see §603. MOBILE HOMES PARKS - see §607				

PART 4				
NONRESIDENTIAL LOT SIZES				
Zoning district " " " " " " " " " "	RES	CON	RUR	DEV
Minimum lot size for NONRESIDENTIAL USES				
On-site sewage & on-site water	1.00 acre	2.00 acres	1.00 acre	1.00 acre
On-site sewage & central water	1.00 acre	2.00 acres	1.00 acre	1.00 acre
Central sewage & on-site water	0.75 acre	2.00 acres	1.00 acre	0.75 acre
Central sewage & central water	0.50 acre	2.00 acres	1.00 acre	0.50 acre

PART 5 LOT DIMENSIONS FOR NONRESIDENTIAL USES				
STANDARD (see §911 for nonconforming lots)	LOT SIZE			
	Equal to or greater than			Less than
	2.0	1.0	0.5	0.5
Minimum Yards for Proposed Lots and Existing Lots (i.e., building setbacks) (see §503 for accessory structures)				
Front on Route 487 and Route 93	30 feet from edge of road right-of-way or 70 feet from road centerline, whichever is greater			
Front on all other roads measured from road right-of-way (feet)	30	30	30	25
Rear (feet)	30	20	15	15
Side (feet)	20 each side	20 each side	15 each side	15 each side
Buffers for wetlands and water bodies	see §704.2, §704.3			
Lot Dimensions for Proposed Lots - see the Subdivision and Land Development Ordinance				
Minimum width (feet)	200	125	100	new lots < 0.5 acres not permitted
Minimum depth to width ration (no lot need exceed a width of 300 feet)	4 : 1	3.5 : 1	3.5 : 1	
Maximum lot coverage (percent) total of all proposed and existing impervious surfaces	60	60	60	60

PART 6 MAXIMUM BUILDING HEIGHT FOR ALL USES IN ALL DISTRICTS (see §501.4 for exceptions)	
residential structures	35 feet
commercial, manufacturing, industrial and other structures	45 feet
agricultural structures	75 feet

**ARTICLE V
SUPPLEMENTARY REGULATIONS**

500 Introduction

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

501 Deviations From Required Sizes

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

501.1 Nonconforming Lots of Record

See §911 of this Zoning Ordinance.

501.2 Access Drives; Driveways

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

501.3 Front Yard Exception

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

501.4 Height Limitations

Unless otherwise regulated by this Ordinance, height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any non-agricultural structure which exceeds a height of seventy-five (75) feet shall be considered a conditional use.

501.5 Extension of Non-Conforming Setbacks

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

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

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

501.7 Reduction of Required Area or Space

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

502 Unique Lots, Yards and Building Locations

502.1 Two or More Uses on a Lot

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

502.2 Street Frontage / Front Yards

A principal building shall be permitted only upon a lot with frontage on a public or private road right-of-way. Each yard of a lot which abuts a street shall be equal in size to the front yard required for the district. Any other yards may be considered side yards.

502.3 Clear View At Street Intersections

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

503 Accessory Structures and Uses

503.1 Accessory Structures

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

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

503.2 Fences and Walls

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

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

503.3 Home Occupations and Home Based Businesses

503.3.1 Home Occupations

It is the intent of this subsection to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The total area used by all home occupations on the premises shall not exceed fifty (50) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this

Ordinance.

- C. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.
- F. The home occupation shall be conducted only by members of the family residing in the dwelling and not more than four (4) persons other than residents of the dwelling shall be employed on the premises.
- G. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- H. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- I. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
- J. The use shall not involve the parking of more than two (2) trucks of any type on the lot. In the RES District, the use shall not require servicing by, deliveries by or parking of tractor-trailer trucks.
- K. One two-sided sign not exceeding sixteen (16) square feet in surface area (each exposed face) shall be permitted.
- L. §701, Performance Standards, shall also apply to home occupations.
- M. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, crematoria, funeral parlors or other uses not meeting the requirements of this §503.3.1.
- N. The following types of uses shall be permitted as accessory uses in all districts:
 - 1. Professional offices for individual practitioners
 - 2. Rooming and/or housing of not more than two (2) persons.
 - 3. Custom dressmaking or tailoring.
 - 4. Foster family care for not more than four (4) children simultaneously.
 - 5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 - 6. Tutoring for not more than four (4) children simultaneously.
 - 7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
 - 8. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 - 9. Single chair beauty shops and barbershops.
- O. All applications for home occupations not specifically enumerated as permitted in §503.3.1,N shall not be permitted in the RES District. In all other districts, all applications for home occupations not specifically enumerated as permitted in §503.3.1,N or excluded by §503.3.1,M, shall be considered special exceptions.

503.3.2 Home Based Businesses

It is the intent of this subsection to regulate as conditional uses the operation of home businesses to permit a variety

of commercial uses in the RUR District under certain conditions established to minimize effects on neighboring properties and the District as a whole. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home based business not specifically permitted by this section, the Zoning Hearing Board may determine that a particular type or intensity of use is unsuitable to be a home based business or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

- A. The home based business must be conducted entirely inside a building situated on a minimum of five (5) acres.
- B. No outdoor storage of materials, goods, products, supplies, or equipment used in the home based business shall be permitted unless adequate screening and buffers are provided in accord with §701 of this Ordinance.
- C. The home based business shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed ten (10).
- D. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- E. No home based business shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the District.
- F. One two-sided sign not exceeding sixteen (16) square feet in surface area (each exposed face) shall be permitted.
- G. §701, Performance Standards, shall also apply to home based businesses.
- H. Any use not meeting the requirements of this §503.3.2 and the following uses shall not be permitted as home based businesses:

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

503.4 Private Parking Areas, Garages Accessory to Residential Uses

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

503.5 Home Gardening, Nurseries and Greenhouses

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

503.6 Private Outdoor Swimming Pools

- A. A single private outdoor, in-ground or above-ground, swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests. Pools and decks shall comply with setbacks for accessory structures.
- B. A fence, wall or other enclosure not less than four (4) feet high and of a design to restrict access shall completely surround the area of any ground level swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.
- C. Above ground pools shall include a secure fence, wall or other enclosure a minimum of four (4) feet high above the surrounding ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four (4) feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
- D. Access to all pools shall be restricted when the pool is not in use whether by fence, wall or integrated in the design of the pool. A pool cover shall not be deemed adequate to meet this requirement.
- E. A zoning permit or fence shall not be required for wading pools where the water does not exceed ten (10) inches in depth and which are not normally filled on a constant basis.
- F. The Township does not assume the responsibility of guaranteeing to the public that all pools comply with the provisions of this §503.6.
- G. Farm ponds and decorative ponds shall be exempt from this §503.6.

503.7 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- B. Zoning permit required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §503.7 and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular temporary uses permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
 - 1. Contractor's office and construction equipment sheds.
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 - d. Required water supply and sanitary facilities shall be provided.
 - 2. Real estate sales office.
 - a. Permitted in any district for any new subdivision approved in accord with the applicable Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
 - b. Maximum length of permit shall be one hundred and twenty (120) days.
 - c. The office shall be removed upon completion of the development of the subdivision.
 - d. Required water supply and sanitary facilities shall be provided.

3. Temporary shelter.
 - a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
 - b. Required water supply and sanitary facilities must be provided.
 - c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - d. The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence.

D. Reserved.

E. Temporary uses by special exception - For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this Ordinance, a temporary permit may be issued by the Zoning Hearing Board as a special exception of structures or uses that would not otherwise be permitted, subject to the following additional provisions:

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

F. Additional Regulations

1. Documentation must be provided to the Township that adequate arrangement for temporary sanitary facilities has been made.

2. All uses shall be confined to the dates specified in the permit.
3. Hours of operation shall be confined to those specified in the permit.
4. Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six (6) inches or as otherwise needed, of bank-run gravel or equal material.

503.8 Reserved

503.9 Reserved

503.10 Stables, Private

Private stables are permitted in accord with the Schedule of Uses subject to the requirements of §805.2 of this Ordinance.

503.11 Reserved

503.12 Freshwater Ponds

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

503.13 Satellite Dish Antennae

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

504 Off-Street Parking and Loading

504.1 Availability of Facilities

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

504.2 Size and Design of Parking Spaces

Each vehicle parking space shall include a rectangle with a minimum width of 9 feet and a minimum length of 18 feet. Off-street parking areas shall be designed with sufficient aisle widths, turning radii and maneuvering room, based upon a standard professional design guide, such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

504.3 Lighting

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

504.4 Public Right-of-Ways

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

504.5 Reserved

504.6 Number of Spaces To Be Provided

- A. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less then the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- B. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- C. Additional parking for the handicapped shall be provided in accord with §504.16.
- D. Should the applicant provide evidence that the number of parking spaces required by this §504 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §504 and the applicant shall agree in writing to install the parking at the direction of the Township Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §504.12).
- E. For uses not specifically provided in the Table, the Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

USE	PARKING SPACES REQUIRED
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA

USE	PARKING SPACES REQUIRED
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 450 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 3 slips
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Eating establishments with walk-up window service or indoor take-out counter service.	1 per 50 SFGFA open to the public plus 10 spaces per window service plus 5 per indoor take-out counter
L. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type

USE	PARKING SPACES REQUIRED
M. Warehousing and storage	1 per 4,000 SFGFA
N. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	

504.7 Loading and Unloading Areas

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

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	12	40 with 12 ft clear height
Trucks other than tractor trailers, pick-ups or vans	10	25
Pick-up truck or van	9	18

504.8 Access To Off-Street Parking and Loading Areas

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

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

WIDTH	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

- B. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Highway Occupancy Permit - A Township or State highway occupancy permit, as applicable, shall be required for any new or escalated access to any public street or any other regulated activity within the right-of-way.

504.9 Parking and Loading Area Setbacks

All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from the any public road right-of-way or adjoining property lines by a buffer area not less than fifteen (15) feet in width unless adjoining uses share parking in accord with §504.12.

- A. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.
- B. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - 1. Paving except for approved driveway/access way crossings
 - 2. Fences unless integral to landscaping
 - 3. Parking, storage or display of vehicles
 - 4. Items for sale or rent
- C. Uses Permitted - The buffer area may include the following:
 - 1. Permitted freestanding signs
 - 2. Pervious storm water facilities
 - 3. Approved driveway/access way crossings
- D. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the paving.

504.10 Surfacing

Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface.

504.11 Off-Lot Parking

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

504.12 Joint Use Parking

In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in §504.9. The standards in §504.6 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

504.13 Landscaping

All non-residential improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- A. Buffer Areas - The buffer area between the parking area and the public street required by §504.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure or a non-commercial district.
- B. Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
- C. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Township. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- D. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township.

504.14 Existing Parking Areas

No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.

504.15 Parking for Residential Use

Off-street parking shall be provided in accord with this §504 for all residential uses in all Districts.

504.16 Handicapped Parking

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

504.17 Reserved

504.18 Parking of Commercial Vehicles in RES Districts

- A. Purpose - To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight in RES Districts.
- B. Storage of Commercial Vehicles.
 1. Definitions - For the purposes of this §504.18, the following terms shall have the following meanings:
 - a. Commercial Vehicle - A motor vehicle that has a gross vehicle weights of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business

- (such as hauling material.)
- b. Tractor of a Tractor-Trailer - A truck that is primarily intended to pull a trailer, as defined below, with a fifth-wheel and not primarily to carry goods itself.
 - c. Trailer of a Tractor-Trailer - A commercial vehicle with a length of twenty (20) feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."
2. Commercial Vehicles in R Districts and on Residential Properties - The following standards shall apply in all R Districts.
- a. A maximum of two (2) "commercial vehicles" (as defined above) may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in shall have a gross vehicle weight of over fifteen thousand (15,000) pounds if parked outside of an enclosed building.
 - b. The engine of a tractor of a tractor-trailer or any refrigeration unit of a vehicle shall not be idled for more than ten (10) minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.
 - c. No trailer of tractor-trailer shall be parked, stored, maintained or kept on a property for more than eight (8) hours in any forty-eight (48) hour period.
 - d. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.
3. Exceptions - This section does not apply to the following, provided they are in an operational condition:
- a. Municipally-owned vehicles
 - b. Ambulance, fire and rescue vehicles
 - c. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
 - d. Recreational vehicles - a maximum of two (2)
 - e. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
 - f. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area
 - g. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
 - h. Equipment and vehicles clearly primarily intended for agricultural use.
 - i. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.

505 Signs

505.1 Intent and Purpose

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the Township area without difficulty and confusion, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intent of this Ordinance to establish regulations governing the display of signs which will:

- A. Promote and protect the public health, safety, comfort, morals, and convenience.
- B. Encourage sign design, placement and landscaping which will promote the maintenance the rural residential character of the Township. (See §505.10,E.)
- C. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.
- D. Enhance the economy and the business and industry of the area by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.
- E. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
- F. Reduce conflict among signs and sign lighting and between public and private signs, and;

505.2 Definitions

The definitions in this §505.2 shall supplement the definitions in Article III of this Ordinance as applicable to the regulation of signs.

ATTRACTION BOARD - A permanent sign on which the information is changed periodically and identifies special, unique, limited activities, services, products, or sale of limited duration.

AWNING - A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

BANNER - A sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.

BILLBOARDS - A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term shall not include business directional and temporary agricultural signs permitted by this Ordinance.

BUSINESS SIGN - A sign which directs attention to a business, profession, activity, commodity, service, product price, or entertainment conducted, sold, or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

CANOPY - A rigid structure other than an awing made of cloth, metal, or other materials with frame affixed to a building and carried by a frame, which is generally supported by the ground.

CONSTRUCTION SIGN - A sign identifying individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where work is under construction, but only for the duration of construction or wrecking.

DIRECTIONAL SIGN - A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.

DIRECTORY SIGN - A sign which indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

EXTERNAL ILLUMINATION - Illumination of a sign which is affected by an artificial source of light which is not contained within the sign itself.

FLASHING SIGN - An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this Ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

GRADE - The average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which a sign is affixed.

GROSS SURFACE AREA - The entire area within a single continuous perimeter composed of a single face enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with a material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign.

GROUND SIGN - A sign supported by structures or supports or upon the ground and not attached or dependent for support from any building.

ILLUMINATED SIGN - A sign in which an artificial source of light is used in connection with the display of such sign.

INSTRUCTIONAL SIGN - A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkway, parking areas, and other similar facilities.

INTERNAL ILLUMINATION - Illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

MARQUEE - A permanent roof-like structure extending from part of the wall of a building, but not supported by the ground, and constructed of durable material such as metal or glass.

MOVING SIGN - A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic, electrically controlled copy changes, but not including flags, banners, or pennants.

NEON OR OTHER GAS TUBE ILLUMINATION - Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols, or other shapes.

NON-CONFORMING SIGN - A sign which does not adhere to one (1) or more of the provisions contained in this Ordinance.

PERMANENT SIGN - A permanent sign displayed in the Township on and after the effective date of this Ordinance.

POLITICAL SIGN - A temporary sign identifying a political candidate, issues, or party.

PORTABLE SIGN - A sign not permanently affixed to the ground, a building, or other structure, which may be moved from place to place.

PROJECTING SIGN - A sign which is affixed to a building or wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than fifteen (15) inches.

REAL ESTATE SIGN - A sign which is used to offer for sale, lease, or rent that premises upon which such sign is placed.

ROOF SIGN - A sign erected or maintained in whole or in part upon, against, or directly above the parapet line or roof of the building.

SERVICE ISLAND - A set of one or more fuel dispensing pumps arranged in proximity to each other as a raised, concrete island surrounded by paving.

SIGN - Any identification, description, illustration, advertisement, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify, or convey information.

TEMPORARY SIGN - A non-permanent sign erected, affixed, or maintained on a premises for a short, usually fixed, period of time.

WALL SIGN - A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported.

WARNING SIGN - A sign containing no advertising material, warning the public of the existence of danger.

WINDOW SIGN - A sign attached to, placed upon, or painted on the interior of a window or door of a building which is intended for viewing from the exterior of such building.

505.3 General Provisions

The display of signs in the Township is hereby regulated on the basis of the following factors:

1. The type of activity displaying the sign; and
2. The following four (4) design features:
 - a. the type of sign
 - b. the area of the sign
 - c. the height of the sign
 - d. the location of the sign

In addition, certain signs and certain activities are regulated on the basis of additional factors, as set forth in this Ordinance.

505.4 Illumination

All signs permitted by this Ordinance may be illuminated, provided that the provisions of this Section are strictly

complied with.

- A. Type of Illumination - Illumination may be by external or internal means.
- B. Illumination of Buildings, Structures, and Areas
 - 1. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage area is prohibited except;
 - a. from November 15th through December 31st for areas in which Christmas trees are offered for sale;
 - b. on a temporary basis for areas in which carnivals, fairs, or other similar activities are held;
 - 2. A building sign or other sign structure may be illuminated, but all lighting used for this purpose must be designated, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.
- C. Glare - All signs and lighting shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. (See also §701.8.)

505.5 Construction Specifications and Maintenance

All permanent signs permitted by this Ordinance shall be constructed of sound and durable material in accordance with the provisions of this Section.

- A. Obstruction to Exit - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- B. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
- C. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
- D. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
- E. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- F. Maintenance - All signs shall be maintained in safe, good and functional condition.

505.6 Prohibited Signs

The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation within the Township except as otherwise permitted in this Ordinance.

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in §505.8 of this Ordinance.
- B. Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes, or through the impression of movement or flashing except for Time and Temperature indicators whose movement is either digital or analogue.
- C. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in §505.8 of this Ordinance.
- D. Signs and Parked Vehicles - Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby.
- E. Signs on Trees or Utility Poles - Signs which are attached or otherwise affixed to trees or other living vegetation.
- F. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

505.7 Exempt Signs

The following signs are hereby exempt from the provisions of this Ordinance, excepting for such instances where any sign listed herein is found to be unsafe or unlawful as provided for in other Sections of this Ordinance.

- A. Awning, Canopy, and Marquee Signs - Signs, not exceeding an aggregate gross surface area of four (4) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.
- B. Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two (2) square feet for each exposed surface and four (4) square feet aggregate gross surface area.
- C. Directional or Instructional Signs - Signs, not exceeding four (4) feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
- D. Non-Commercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.
- E. Governmental Signs - Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties.
- F. Holiday Decorations - Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.

- G. Interior Signs - Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater.
- H. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.
- I. Name and Address Plates - Signs, not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- J. No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet.
- K. Parking Lot Directional and Instructional Signs
1. Directional Signs - Signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.
 2. Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- L. Patron Advertising Signs - Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of thirty-two (32) square feet of gross aggregate surface area. Sponsors advertising on score boards may not exceed twenty-five percent (25%) of the surface area of the score board.
- M. Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four (4) square feet in aggregate gross surface area.
- N. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties.
- O. Public Signs - Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be on any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
- P. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles and/or trailers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.
- Q. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or

identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face not exceeding four (4) square feet in aggregate gross surface area.

- R. Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four (4) square feet in gross surface area for each exposed face not exceeding an aggregate gross surface area of eight (8) square feet on each machine.
- S. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

505.8 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §505.8.

A. General Conditions

1. Permit Not Required - Permits for temporary signs shall not be required. Nevertheless, all such signs shall comply with the requirements of this §505.
2. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
3. Illumination - Temporary signs may be illuminated, subject to §505.4.
4. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs as defined herein.

B. Temporary Business Signs - Temporary business signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

1. Number - There shall not be more than two (2) temporary business signs erected for the same premises within one (1) calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed thirty (30) days and shall be removed within three (3) days of the termination of the activity, service, project, or sale.
2. Area
 - (a) Residential Areas - In residential areas, temporary business signs shall not exceed two (2) square feet in gross surface area for each exposed face not to exceed an aggregate gross surface area of four (4) square feet.
 - (b) Non-Residential Areas - In non-residential areas, temporary business signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of thirty-two (32) square feet.
3. Location - Temporary business signs shall be located only upon the zoning lot upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.

4. Height

- (a) Residential Areas - In residential areas, temporary business signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- (b) Non-Residential Areas - In non-residential areas, temporary business signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

C. Temporary Construction Signs - Temporary construction signs identifying the parties involved in the construction to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- 1. Number - There shall not be more than one (1) temporary, construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
- 2. Area
 - (a) Residential Areas - In residential areas, temporary construction signs shall not exceed eight (8) square feet in gross surface area for each exposed face, not exceeding an aggregate gross area of sixteen (16) square feet.
 - (b) Non-Residential Areas - In non-residential areas, temporary construction signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, not exceeding an aggregate gross surface of thirty-two (32) square feet.
- 3. Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.
- 4. Height - Temporary construction signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- 5. Special Conditions - Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

D. Temporary Event Signs (including Banners) - Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

- 1. Number, Area, Height, and Location - The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign may exceed thirty-two (32) square feet for each exposed surface or sixty-four (64) square feet in gross surface area.
- 2. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event.

3. Limit on Number of Permits - No more than two (2) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.
- E. Temporary Political Signs - Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:
1. Location - On private property, temporary political signs may be located in any required yard, but shall not be attached to any tree or utility pole.
 2. Height - Temporary political signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
 3. Timing - Temporary political signs may be erected or maintained for a period not to exceed sixty (60) days prior to the date of the election to which such signs are applicable and shall be removed within seven (7) days following such election. The candidate is responsible for all political signs of candidates of the party if they are located in the public right-of-way.
- F. Temporary Real Estate Signs - Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:
1. Number - There shall be not more than one (1) temporary real estate sign for each zoning lot except that where a lot abuts two (2) or more streets, additional signs, one (1) oriented to each abutting street, shall be permitted.
 2. Area
 - a. RES and CON Districts - Temporary real estate signs shall not exceed six (6) square feet for each exposed face, nor exceed an aggregate gross surface area of twelve (12) square feet.
 - b. RUR and DEV Districts - Temporary real estate signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of thirty-two (32) square feet.
 3. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.
 4. Height - Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
 5. Special Conditions - Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- 505.9 Residential Use - For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted use.
- A. Residential Development Signs - Residential development signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be subject to the following:
1. Type - The residential development signs shall be ground signs.

2. Number - There shall not be more than two (2) residential development signs for each point of vehicular access to a development.
3. Area - Residential development signs shall not exceed twenty (20) square feet in gross surface area.
4. Location - Residential development signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
5. Height - Residential development signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

B. Exempt Signs - Exempt signs as specified in §505.7 of this Ordinance.

C. Temporary Signs - Temporary signs as specified in §505.8 of this Ordinance.

505.10 Institutional, Commercial and Manufacturing Uses - For all institutional, commercial and manufacturing uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted use:

A. Institutional, Commercial and Manufacturing Use Signs - Institutional, commercial and manufacturing use signs, other than those subject to special conditions in later parts of this section, shall be subject to the following:

1. Wall Signs

- a. Number - There shall be not more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
- b. Area - The gross surface area of a wall sign shall not exceed ten (10%) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The gross surface area of a wall sign may be increased by twenty (20%) percent, except that the gross surface of the sign shall not exceed sixty-four (64) square feet, if such wall sign;
 - (1) consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed; and
 - (2) if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
- c. Location - A wall sign may be located on the outermost wall of any principal building, but shall not project more than sixteen (16) inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
- d. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.
- e. Special Conditions - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall

to which the sign is to be affixed. The maximum gross surface area of each such sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.

2. Ground Signs

- a. Number - There shall not be more than (1) ground sign for each lot.
- b. Area - The gross surface area of a ground sign shall not exceed thirty-two (32) square feet for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet.
- c. Location - A ground sign may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.
- d. Height - A ground sign shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

3. Awning, Canopy, and Marquee Signs

- a. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an aggregated gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this Ordinance, as specified in §505.7.
- b. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed twenty-four (24) square feet, but limited to not more than fifty (40%) percent of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is affixed.
- c. Height - Any awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

4. Roof Signs - Roof signs shall not be permitted.

5. Attraction Boards

- a. Type - Attraction Boards shall be ground signs.
- b. Number - One (1) attraction board may be erected on the lot identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the attraction board is to be located.
- c. Area - The gross surface area of the attraction board shall not exceed ten (10) square feet in gross surface area for each exposed face, nor exceed twenty (20) square feet in aggregate gross surface area.
- d. Location - The attraction board may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from any zoning lot to a public roadway.
- e. Height - If the attraction board is separate from the main ground sign, the attraction board may not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher. The attraction board shall be separated by a minimum of twelve (12) inches from the main ground pole sign.

6. Billboards

- a. Number - One (1) billboard may be erected, constructed, or maintained on any premises fronting on State Route 487 in the DEV District on a lot which contains no other use or principal structure, and only in accord with the criteria in this section:
- b. Area - A billboard shall not exceed one hundred and fifty (150) square feet in surface area, and each such sign shall have only one (1) exposed face.
- c. Spacing - A billboard shall not be closer than five hundred (500) feet to another billboard.
- d. Spacing at Intersections - An off-premises sign or billboard shall not be located within one hundred (100) feet of any street intersection as measured from right-of-way lines.
- e. Location; Setback - An off-premises sign or billboard shall only be permitted on any premises fronting on State Route 487 in the DEV District. The sign shall be located in accordance with the yard setbacks for structures located in the district.
- f. Height - An off-premises sign or billboard shall not project higher than twenty (20) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.
- g. Site Plan - An application for an off-premises sign or billboard shall be accompanied by a site plan and contain all of the applicable requirements as required by this Ordinance.
- h. Engineering Certification - Any applications for an off-premise sign or billboard shall be accompanied by certification under seal by a Professional Engineer that the existence of the off-premises sign or billboard, as proposed, shall not present a safety hazard.

B. Shopping Center Signs - Shopping Center signs shall be subject to the following:

1. Wall Signs

- a. Number - There shall not be more than one (1) wall sign for each principal tenant or use contained in a shopping center except that where a tenant or use abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
 - (1) consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and
 - (2) if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters; or
- b. Area - The gross surface area of a wall sign shall not exceed ten (10%) percent of the tenant's or user's proportionate share of the building wall to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller,
 - (1) if such wall sign consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters; or

- (2) when all wall signs located in the shopping center utilize lettering and background uniform in style and coloring.
 - c. Location - A wall sign may be located on the outermost wall of any principal building, but shall not project more than sixteen (16) inches from the wall to which the sign is to be affixed.
 - d. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.
2. Ground Signs
 - a. Number - There shall not be more than one (1) ground sign for each shopping center.
 - b. Area - The gross surface area of a ground sign shall not exceed a maximum of one (1) square foot of gross aggregate surface area for each one and one-half (1) lineal feet of front footage of the lot not to exceed thirty-two (32) square feet of gross aggregate surface area.
 - c. Location - A ground sign may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.
 - d. Height - A ground sign shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.
 - e. Directory Signs - Each shopping center ground sign may include affixed directly to it a directory indicating only the names of the tenants of the shopping center in which the sign is to be located. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face, nor exceed an aggregate gross surface area of twenty (20) square feet for each tenant located in the shopping center in which the sign is to be located.
3. Awning, Canopy, and Marquee Signs
 - a. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an aggregate gross surface area of twenty-four (24) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this Ordinance as specified in §505.7.
 - b. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed twenty-four (24) square feet, but limited to not more than fifty (40%) percent of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.
 - c. Height - An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
4. Attraction Board
 - a. Type - Shopping center attraction boards shall be ground signs.
 - b. Number - Each shopping center may erect a single attraction board identifying special, unique, limited activities, services, products, or sale of limited duration occurring within the shopping center in which the attraction board is to be located.

- c. Area - The gross surface area of a shopping center attraction board shall not exceed thirty-two (32) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of sixty-four (64) square feet.
 - d. Location - A shopping center attraction board may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from any zoning lot to a public roadway.
 - e. Height - If the sign is separate from the main ground pole sign, a shopping center attraction board shall not project higher than fifteen (15) feet, as measured from the base of sign or grade of the nearest adjacent roadway, whichever is higher. If the attraction board is part of and mounted on the main ground pole sign, the attraction sign shall be separated by a minimum of twelve (12) inches from the main shopping center sign.
- C. Business Directional Signs - The intent of this section is to allow commercial, manufacturing, industrial, and institutional uses, referred to as *business* in this section, located in Orange Township and which do not front on State Route 93 or State Route 487 to erect temporary signs directing the public to the *business*.
- A. Number - There shall not be more than four (4) directional signs for each parcel of land eligible for such signs. In the case of multi-businesses on the same parcel, each business shall not be eligible for signs; instead, the directional signs shall refer to the parcel as a whole.
 - B. Area - The surface area of each sign shall not exceed four (4) square feet for each exposed face.
 - C. Height - A directional sign shall not project higher than ten (10) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
 - D. Sign Information - The information on the sign shall be limited to the business name, logo, telephone number and directional information.
 - E. Property Owner Permission - The person making application for the erection of a business directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.
 - F. Temporary Nature of Signs - All business directional signs shall be considered temporary signs in terms of nonconformity status should the number of signs erected in the Township dictate the imposition of limitations on such numbers to protect the public health, safety and welfare. Any such signs which do not comply with any subsequent amendment of this Ordinance shall be brought into compliance, including removal of the sign if required by any new or amended regulations adopted by the Township.
- D. Multiple Uses - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install, in addition to the ground sign permitted by §505.10,A,2, a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area of the building.
- E. Wood Relief Sign Area Bonus - Ground signs permitted under §505.10,A,2 (Commercial and Manufacturing Uses) and §505.10,B,2 (Shopping Centers) shall be eligible for an increase in size of fifty (50) percent provided:
- 1. Signs shall be wood or simulated wood relief only with external illumination.

2. Signs shall be designed as an integral architectural element of the building and component of the site.
3. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
4. Signs shall not exceed a height of fifteen (15) feet.

505.11 Permits

- A. Permit Required - Except for the following, no person may erect, alter, or relocate within the Township any sign without first obtaining a sign permit from the Zoning Officer and paying the required fee:
 1. Exempt signs as specified in §505.7.
 2. Real estate and temporary construction signs.
 3. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.
- B. Permit Application - Applications for sign permits shall be submitted to the Zoning Officer and shall contain or have attached thereto the following information:
 1. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 2. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
 3. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
 4. Two (2) blueprints or ink drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, color, materials, and weight.
 5. If required by the Zoning Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer, licensed by the State of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the Township.
 6. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
 7. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances of the Township.
- C. Issuance of Permits - Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and other applicable ordinances of the Township and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.
- D. Permit Fees - Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant

to a Resolution by the Board of Supervisors.

- E. Billboard Annual License Fee - An annual license fee for billboards shall be paid in accordance with a resolution setting forth the annual license fee schedule. The annual license fee schedule shall be adopted by the Board of Supervisors.
- F. Penalty Fee - If an annual sign permit renewal fee is paid later than sixty (60) days of the date of the invoice requesting such payment, a penalty fee equal to fifty (50) percent of the cost of the permit renewal fee shall be assessed.
- G. Revocation of Permit - All rights and privileges acquired under the provisions of this Ordinance are mere licenses and, as such, are at any time revocable for just cause by the Township. All permits issued pursuant to this Section are hereby subject to this provision.

505.12 Reserved

505.13 Non-Conforming Signs

- A. Legal, Non-Conforming Signs - Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained indefinitely as a legal non-conforming sign subject to compliance with the requirements of §505.13,B.
- B. Maintenance and Repair of Legal Non-Conforming Signs - Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.

505.14 Removal of Certain Signs

- A. Non-Conforming Signs - If the Zoning Officer shall find that any non-conforming sign, except for those legal non-conforming signs as specified in §505.13 is displayed, he shall give written notice to the owners, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the Zoning Officer. If such sign is not removed after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.
- B. Obsolete Signs - Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within ninety (90) days upon the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

If the Zoning Officer shall find that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within ninety (90) days upon the cessation of such business or sale of such product, he shall give written notices to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be affected within ten (10) days after receipt of the notice from the Zoning

Officer. If such sign is not removed after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

- C. Unsafe Signs - If the Zoning Officer shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction to the condition which caused the Zoning Officer to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

ARTICLE VI - RESIDENTIAL STANDARDS

601 Conservation Design Overlay District

601.1 Purposes and Development Options

- A. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:
1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Township *Comprehensive Plan*, including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents.
 6. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
 7. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
 8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
 9. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
 10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
 11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
 12. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
- B. Development Options - In order to achieve these purposes, this §601 provides for flexibility in designing new

residential subdivisions by allowing two forms of development referred to as *options*, as summarized below:

1. Option One - *Neutral Density and Basic Conservation*, providing for residential uses at the density permitted by the underlying zoning with not less than fifty (50) percent of the tract comprised of conservation open space.
 2. Option Two - *Greater Density with Greater Conservation*, providing residential uses at a density ten (10) percent higher than the density permitted by the underlying zoning with not less than sixty (60) percent of the tract comprised of conservation open space.
- C. Conditional Use - Conservation design subdivisions shall be considered conditional uses.
- D. Densities and Required Open Space Percentages - See §601.4.

601.2 General Regulations

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

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

601.3 Minimum Parcel Size and Use Regulations

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

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

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

601.4 Density Determination and Dimensional Standards

A. Standards for Option 1 - Neutral Density and Basic Conservation

TABLE 601.4,A,1 – OPTION 1 – NEUTRAL DENSITY AND BASIC CONSERVATION				
Zoning district " " " "	RES	CON	RUR	DEV
<u>Type of Water Supply / Sewage Disposal</u>	<u>Density Factor</u>			
Density Requirements for Single-Family Dwellings (per dwelling unit)				
on-site sewage	1.0 acre	2.0 acres	1.0 acre	1.0 acre
central sewage & on-site water	0.75 acre	2.0 acres	1.0 acre	0.75 acre
central sewage & central water	0.5 acre	2.0 acres	1.0 acre	0.5 acre
Density Requirements for Two-Family Dwellings (per dwelling unit)				
on-site sewage	1.0 acre	2.0 acres	0.75 acre	0.75 acre
central sewage & on-site water	0.75 acre	2.0 acres	0.75 acre	0.55 acre
central sewage & central water	0.5 acre	2.0 acres	0.75 acre	0.37 acre
Density Requirements for Townhouses (per dwelling unit)				
central water and central sewage required	0.5 acre	2.0 acres	0.75 acre	see §603

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

space.

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

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

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

1. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in the following Table 601.4,B,1, as determined through the Adjusted Tract Acreage approach or yield plan described in §601.4,D,1. (The density factor is reduced by ten percent from that of a standard subdivision.)
2. Minimum Required Conservation open space - The subdivision must include at least sixty (60) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in §601.4,D,1, as conservation open space. Conservation open space shall not be used for residential lots, except as provided below.

TABLE 601.4,B,1 OPTION 2 – GREATER DENSITY WITH GREATER CONSERVATION				
Zoning district " " " " "	RES	CON	RUR	DEV
<u>Type of Water Supply / Sewage Disposal</u>	<u>Density Factor</u>			
Density Requirements for Single-Family Dwellings (per dwelling unit)				
on-site sewage	0.9 acre	1.8 acre	0.9 acre	0.9 acre
central sewage & on-site water	0.67 acre	1.8 acre	0.9 acre	0.67 acre

TABLE 601.4,B,1 OPTION 2 – GREATER DENSITY WITH GREATER CONSERVATION				
Zoning district " " " " "	RES	CON	RUR	DEV
<u>Type of Water Supply / Sewage Disposal</u>	<u>Density Factor</u>			
central sewage & central water	0.45 acre	1.8 acre	0.9 acre	0.45 acre
Density Requirements for Two-Family Dwellings (per dwelling unit)				
on-site sewage	0.9 acre	1.8 acre	0.67 acre	0.67 acre
central sewage & on-site water	0.67 acre	1.8 acre	0.67 acre	0.55 acre
central sewage & central water	0.45 acre	1.8 acre	0.67 acre	0.33 acre
Density Requirements for Townhouses (per dwelling unit)				
central water and central sewage required	0.45 acre	1.8 acre	0.67 acre	see §603

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

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

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

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

D. Density Determination for Option 1 - Higher Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

1. Adjusted Tract Acreage Approach - Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical “density factor” for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.

a. The following areas of constrained land shall be deducted from the gross (total) tract area:

- 1) Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
- 2) Private Streets: multiply the acreage of land under existing private streets by 1.0.
- 3) Wetlands: multiply the acreage of designated wetlands by 0.95.
- 4) Floodway: multiply the acreage within the floodway by 1.0.
- 5) Floodplain: multiply the non-wetland portion of the 100-year floodplain by 0.5.
- 6) Steep Slopes: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80.
- 7) Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.60.
- 8) Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.

- 9) Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.
 - b. If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
 - c. Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract acreage.
2. Yield Plan Approach - Determination of density, or maximum number of permitted dwelling units, shall be based upon density factor of the chosen option applied to the gross tract acreage, as demonstrated by an actual Yield Plan. Yield Plans shall meet the following requirements:
- a) SALDO Requirements - Yield Plans must be prepared in accordance with the standards of the applicable Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
 - b) Resource Identification - The Yield Plan must identify the site's primary and secondary conservation areas, as identified in the *Existing Resources/Site Analysis Plan*, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the density factor of the chosen option. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplains and land with slopes greater than 15 percent.
 - c) Individual Sewage Disposal Systems - On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the primary and secondary resources, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Township shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second ten (10) percent sample shall be selected by the Township and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system.
 - d) Yield Plan Density and Dimensional Standards - The following dimensional standards shall be used in the development of Yield Plans for Option 1 and Option 2 subdivisions. The minimum lot sizes are derived from the density factor for the district location of the proposed development and the type of water supply and sewage disposal proposed. These minimum area dimensions are exclusive of all wetlands, slopes greater than twenty-five (25) percent, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of the minimum required lot area may consist of land within the 100-year floodplain, and only then if it is free of wetlands.

TABLE 317.D.4.b.4) YIELD PLAN DIMENSIONAL STANDARDS				
Minimum Lot Size (acres) (per Table 601.4,A,1 and Table 601.4,B,1)	Min. Lot Width at Min. Setback (feet)	Minimum Setback (feet)		
		Front	Rear	Side
1.8 and 2.0	175	35	50	25
0.9 and 1.0	150	35	50	25
0.67 and 0.75	125	35	50	25
0.45 and 0.5	100	35	50	15
0.33 and 0.37	80	30	25	10

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

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas.
- B. Setbacks - All new dwellings shall meet the following setback requirements in Table 601.5,B:

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

- C. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the applicable Subdivision and Land Development Ordinance.
- D. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

601.6 Conservation Open Space Use and Design Standards

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

- A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
 1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.
6. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
7. Golf courses may comprise up to half of the minimum required conservation open space, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the minimum conservation open space requirement; their parking and access ways may be paved and lighted.
8. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
9. Easements for drainage, access, sewer or water lines, or other public purposes.
10. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.

B. Conservation Open Space Design Standards

1. Conservation Areas - Conservation open space shall be laid out to ensure that an interconnected network of open space will be provided. The required conservation open space consists of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary Conservation Areas comprise those areas listed in §601.4,D, as being subtracted from the total parcel acreage to produce the Adjusted Tract Acreage. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process and such features are listed in the applicable Subdivision and Land Development Ordinance.
2. In Option 1 - Basic Conservation and Option 2 - Greater Conservation subdivisions, the conservation open space shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, or by a private individual or entity. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.

C. Other Requirements

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

to meet the minimum required conservation open space.

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

601.7 Permanent Conservation Open Space Protection Through Conservation Easements

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

601.8 Ownership and Maintenance of Conservation Open Space and Common Facilities

See Article X.

602 Two Family Dwellings

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

602.1 Common Wall

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than fifty (50) percent of the minimum lot size required in Part 1 of the Schedule of Development Standards in Article IV of this Zoning Ordinance and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article IV of this Zoning Ordinance.

602.3 Over/Under Units

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit, the lot size shall comply with Part 1 of the Schedule of Development Standards in Article IV of this Zoning Ordinance and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article IV of this Zoning Ordinance. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

602.5 Conversions -- See §604 of this Ordinance.

603 Multi-Family Dwellings

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

603.1 Project Design Process and Procedure

- A. Reserved
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the Adjusted Tract Acreage Approach requirements for Conservation Design Developments contained in §601.4,D,1 of this Ordinance and the applicable Subdivision and Land Development Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Conservation Design Developments in §601 of this Ordinance.

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

603.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on Table 603.2 shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

603.3 Design Criteria

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

- A. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or

within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.

- B. Road Standards - Access roads through the development shall comply with the street requirements of the applicable Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.
- C. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §701.1 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any RA, SR, or CA District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the applicable Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Reserved
- H. Townhouses: Facade Changes - For fire protection purposes, a minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with §6.500 of this Ordinance.

603.4 Non-Residential Use

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

603.5 Conversions of Existing Structures

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

603.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article X of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law.

603.7 Water Supply and Sewage Disposal

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

604 Conversion to Dwellings

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

605 Group Homes

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

605.1 Definition

See definition in Article III.

605.2 Supervision

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

605.3 Certification

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

605.4 Registration

The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available for public review upon request.

605.5 Counseling

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

605.6 Parking

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

605.7 Appearance

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

605.8 Bulk and Density

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

605.9 Number of Residents

The following maximum number of persons shall reside in a group home:

A. Existing Single Family Detached Dwellings

1. With minimum lot area of one (1) acre and minimum building setbacks from all "residential lot lines" of fifteen (15) feet: six (6) residents plus necessary staff.
2. Any other lawful dwelling unit: four (4) residents plus necessary staff.

B. New Structures- New structures shall meet all the normal bulk and density standards for single-family residential dwellings and the maximum number of persons shall be six (6) residents plus necessary staff.

605.10 Visitors

Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.

606 Assisted Care Mobile Home for Relative

606.1 Accessory Use Permit

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

606.2 Application Requirements

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

606.3 Subdivision and Land Development Requirements

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

606.4 Occupancy -- Care Requirement

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

606.5 Sewage Disposal

Sewage disposal shall be provided to the accessory mobile home in accord with PA DEP requirements.

606.6 Bulk and Density Requirements

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

606.7 Mobile Home Design and Placement

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

606.8 Removal of Mobile Home

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

607 Mobile Home Parks

Mobile home parks are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township.

607.1 Project Design Process and Procedure

- A. Reserved
- B. Design Process and Procedure - All mobile home parks shall be designed and processed in accord with the requirements for Conservation Subdivision Design contained in §601.4,D,1 of this Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all mobile home sites, buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §601.5 of this Ordinance.

607.2 Design; Procedures; Parcel Size; Density; Mobile Home Sites

- A. All mobile home parks shall be designed and processed in accord with the procedure for open land developments in accord with §601.4,B of this Ordinance using the density factors in this §607.2 without the application of any density bonuses.
- B. All land proposed for a particular mobile home park shall be part of the same parcel and contiguous.

- C. The minimum parcel size for a mobile home park shall be ten (10) acres and the overall density of a mobile home park shall not exceed one unit per fifteen thousand (15,000) square feet of useable land area per §607.1,B.
- D. Each mobile home site shall have a minimum area of five thousand (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall be forty-five (45) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

608 Mobile Homes on Individual Lots

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

- A. Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the BOCA Code for the actual construction of the unit itself.
- B. Shall have a site graded to provide a stable and well-drained area.
- C. The wheels and axles and hitch mechanisms shall be removed or screened from view.
- D. Shall be securely attached to a permanent foundation.
- E. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1) normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.

609 Reserved

610 Bed and Breakfast Establishments

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

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

611 Hotels, Motels, and Lodging Facilities

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

611.1 Density

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

611.2 Design Criteria

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

612 Optional Transfer of Development Rights (TDR)**612.1 Purposes**

In addition to serving the overall purposes of this Ordinance, this section is intended to:

- A. Encourage the permanent preservation of important farmland and environmentally sensitive areas.
- B. Provide a voluntary method for landowners to be compensated by the free market to preserve their land.

612.2 Definitions.

- A. *Sending Property*: A parcel of land or portion of a parcel that is restricted by a conservation easement as a condition of approval of a higher residential density on the *Receiving Property* than would otherwise be permitted.
- B. *Receiving Property*: A parcel of land that is approved for a higher residential density than would otherwise be permitted as a condition of the restriction of development on the *Sending Property*.

612.3 Subdivision and Land Development Approval

Except as provided in §612.3,G, the development rights shall be transferred only following final approval of a subdivision or land development plan. The approval of a preliminary plan shall be conditioned upon compliance with this §612. As part of a preliminary and final plan application, the applicant 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. The application to develop the *Receiving Property* at a higher density shall be treated in the same manner as any other subdivision or land development application.

612.4 Conservation Easement

- A. **Effect** - The required 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*. If a final plan is recorded in phases, the conservation easement may be recorded in corresponding phases.
- B. **Form** - The form of the conservation easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor and Planning Commission. In the case of agricultural land, the standard language for an agricultural conservation easement used by the County Agricultural Land Preservation Board may be used.
- C. **Permanency** - Once a conservation easement is established under a Transfer of Development Rights, it shall be

permanent, regardless of whether the *Receiving Property* is developed.

612.5 Location

A *Sending Property* shall be within a CON or RUR District and shall have a minimum area of five (5) acres, and a *Receiving Property* shall be within a RES, DEV or RUR District.

612.6 Owners' Agreement and Responsibility

The owners of the *Sending Property* and *Receiving Property* shall voluntarily commit to participate in the Transfer of Development Rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the *Sending Property*. The applicant for the *Receiving Property* shall be 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, and the Township shall be under no obligation to pay the owner of the *Sending Property*.

612.7 Donations or Intermediaries

The development rights of 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 ten (10) years, before being used on a Receiving Property(ies).

612.8 Determination of Density; Development Process.

- A. Yield Plans - The applicant shall, as part of the subdivision and land development review process, present a Yield Plan for the *Receiving Property* and 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 be prepared in accord with §601.4,D,2, for single-family and two-family dwellings and §603 for multi-family dwellings to determine the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. If a standard subdivision is proposed for the *Receiving Property* the density factor shall be two (2) acres, if a conservation design subdivision is proposed the applicable density factor in §601.4,D,2, shall be used.
- B. Township Review - Such Yield Plans shall be reviewed by the Township Planning Commission, with advice by the Township Engineer, to determine whether each represents an accurate determination of the number of dwelling units possible on each site, both physically and legally. If such determination is ascertained by the Planning Commission to not be accurate, the applicant shall be required by to revise the Yield Plan.
- C. Dwelling Unit Transfer - Based upon acceptance by the Township of the Yield Plans, the right to develop some or all of the dwelling units may be transferred from the *Sending Property* to the *Receiving Property*, depending upon the amount of land affected by the permanent conservation easement. (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.)
1. If only a portion of a parcel 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.
 2. 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 Township that

there is a valid public purpose for the easement to not be contiguous.

D. Receiving Property - The development of the *Receiving Property* shall comply with all other requirements of this Ordinance, except for the maximum density. The *Receiving Property* shall be permitted to include an increased total number of dwelling units above the number that would otherwise be permitted, based upon the Yield Plan. However, in no case shall the following densities be exceeded:

1. Single Family and Two-Family Dwellings - The requirements of §601, Conservation Subdivision Design Overlay District, shall apply and the open space preserved on the *Sending Property* may be used to meet the minimum conservation open space required by §601.
2. Multi-Family Dwellings - The requirements of §603, Multi-Family Dwellings, shall apply, however, the density (number of dwelling units per acre of useable land area) on the *Receiving Property* shall not exceed the following:

TABLE 612.8,D MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Density -- number of dwelling units per acre of useable land area (See §601.4,D,1 for Adjusted Tract Acreage)	8	12	16

E. Utilities - To receive a transfer of development rights, all lots of less than one (1) acre on the *Receiving Property* shall be served by Township-approved central sewage disposal system sewerage and central water supply.

**ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION**

700 Design of Commercial Establishments and Nonresidential Uses

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

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- C. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- D. Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for shopping center patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,

700.1 Site Design Process

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

- A. Mapping of Conservation Areas (see §601.4,D,1) to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- B. Locating the building site.
- C. Locating required buffers.
- D. Laying out street access, parking/loading areas, and other required or proposed improvements.

700.2 Ownership

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

701 Performance Standards Applicable to All Uses in All Districts

The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following

performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.

701.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any RES and CON District the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this §701.1. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.

In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than fifteen (15) feet.
- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

701.2 Landscaping

If located in the DEV District, a landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas

and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.

- C. Plants shall be of a type which are proven successful in the Township's climate.
- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All unusable areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner.

701.3 Operations and Storage

- A. All facilities and operations of any principal use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township for conditional uses and special exceptions, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way.
- B. Unenclosed uses and activities shall, in any case, be a minimum of one hundred (100) feet from any existing residential structure or any R District, unless a greater setback is required by the Township.
- C. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.
- D. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. In the RUR and DEV Districts, trailers, maintained in good and road worthy condition, may be used as accessory structures provided the trailers are screened from view from adjoining properties in accord with §701.1 of this Ordinance. The placement of said trailers shall be for a specified time as stated in the required permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

701.4 Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

701.5 Radioactivity or Electric Disturbance

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

701.6 Noise

A. Definitions:

Equivalent Continuous Noise Level - a measure of time averaged, A-weighted, sound levels as defined in 14 CFR Part 150 and 24 CFR Part 51 Subpart B.

Day-Night Level - a measure of time averaged, A-weighted, sound levels as defined in 23 CFR Part 772.

B. Exemptions - The following are exempted from the provisions of this §701:

1. Federally funded highways as controlled by the U.S. Department of Transportation, Federal Highway Administration.
2. Commercial air traffic under the jurisdiction of the Federal Aviation Administration.

C. Standards - No single source of noise, or collection of sources of noise operating on the same property, shall increase the instantaneous received noise level at the property line, or at any residence within five thousand (5,000) feet of the source, by more than thirty (30) dBA above the background level without the source, or sources, in operation.

1. No single source of noise, or collection of sources of noise operating on the same property, shall increase the one-hour equivalent continuous noise level at the property line, or at any residence within five thousand (5,000) feet of the source, by more than twenty (20) dBA above the average one-hour equivalent continuous noise level in the same location without the source, or sources, in operation.
2. No single source of noise, or collection of sources of noise operating on the same property, shall increase the day-night level (24-hour) at the property line, or at any residence within five thousand (5,000) feet of the source, by more than ten (10) dBA above the day-night level (24-hour) in the same location without the source, or sources, in operation.

D. Instrument Calibration and Use - All sound levels shall be measured with a sound level meter meeting the requirements of SAE SIA Type I or Type II. The instrument shall have been calibrated within the manufacturer's recommended calibration interval by a certified calibration facility, or shall have been field calibrated just prior to the measurements with a calibration device which has been certified or calibrated by a certified calibration facility within the manufacturer's recommended calibration interval. If the meter is field calibrated, the calibration shall be checked after the conclusion of the series of measurements. All measurements shall be made using A-weighting and a fast response time. All measurements shall be made

in compliance with the manufacturer's directions for the use of the instrument. Instruments used with automatic recording equipment may be calibrated after use if the appropriate calibration factor is applied to the recorded data as part of the analysis.

E. Recording Techniques - The data used to calculate and estimate equivalent continuous levels or day-night levels shall be obtained using automatic recording equipment operating continuously during the measurement period, or manual recording at fixed recording intervals between ten (10) and thirty (30) seconds. The raw data and the calculated results shall be made available for use by the Zoning Officer and any parties to a zoning hearing or other court proceeding, and to the general public for inspection, along with any means to view electronically recorded data, at no charge.

F. Complaints

1. Initial Investigation - The Zoning Officer shall investigate each complaint of a suspected noise violation. For an interim determination he shall make a measurement during operation of the suspected source. If the measurement exceeds the values in Column A of Table 701.6, the Zoning Officer shall notify the owner of the offending property of the initial findings and shall initiate a more detailed survey. If the measurement exceeds the values in Column B of Table 701.6, the Zoning Officer shall notify the owner of the offending property of these findings and notify the owner to cease operations, take corrective measures to reduce the radiated noise from operations, or propose a more detailed survey to refute the findings of the Zoning Officer's initial investigation. Additional, more detailed surveys shall be conducted at the expense of the property owner.

TABLE 701.6		
Hours of Operation per Day	Column A	Column B
	Level (dBA)	Level (dBA)
0.25 or less	Background+30	Background+36
0.5	Background+27	Background+33
1.0	Background+24	Background+30
2.0	Background+21	Background+27
4.0	Background+20	Background+26

2. Detailed Survey - A detailed survey to investigate a suspected violation of the one-hour equivalent continuous noise level limit shall consist of a minimum of thirty (30) minutes of data collection during operation of the suspected noise source, and thirty (30) minutes of data collection without the operation of the offending noise source. A detailed survey to investigate a suspected violation of the twenty-four hour equivalent continuous noise level limit shall consist of not less than four (4) periods of monitoring. At least two (2) monitoring periods of one-hour duration shall be when the source is not in operation. The periods used to monitor the operation of the source shall include only the times when the source is in operation, and shall be at least as long as the source is in operation, but need not exceed one (1) hour. In all cases, continuous, automatic recording is preferred to manual data recording.

G. Existing Uses - Since noise is a transitory phenomenon, without a detailed survey from before the enactment of this §701.6, there is no means to establish that an existing use did not comply with this section. The burden of proof to establish that a use did conform to the provisions of this section when it was enacted falls on the property owner. That burden may be met by providing documentary or testimonial evidence of the

items listed below. Failure to establish any of these points will lead to the presumption that the use is not exempt from the requirements of this section as an existing use.

1. The number and nature of the noise sources has not changed since the enactment of this §701.6.
2. The structure(s) containing the noise generating devices has not been altered in a manner which would effect its ability to attenuate the noise generated within since the enactment of this §701.6.
3. The noise sources have not been moved since the enactment of this §701.6.
4. The topography of the property has not been altered since the enactment of this §701.6.

701.7 Vibration

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

701.8 Lighting and Glare

The standards of this §701.8 shall apply to all uses including residential and agricultural. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- A. Exemption - This §7.108 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
- B. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

701.9 Smoke

No emission of smoke shall be permitted from any chimney or otherwise except in full compliance with PA

Department of Environmental Protection requirements.

701.10 Odors

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

701.11 Other Forms of Air Pollution

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

701.12 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

701.13 Storm Water Management and Soil Erosion Control

A storm water management plan and soil erosion control plan shall be required for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in the applicable Subdivision Ordinance or other applicable Township regulations and County Conservation District standards, and shall be based on generally accepted engineering principles appropriate for the proposed use.

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

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

701.14 Waste Materials

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

All waste materials shall be disposed of only in accord with all applicable state and federal regulations and

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

701.15 Handicapped Access

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

701.16 Settling and/or Storage Ponds and Reservoirs

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

701.17 Security

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

701.18 Water Supply

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

701.19 Sewage Disposal

Sewage disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Township and the Pennsylvania Department of Environmental Protection. Any community sewage treatment plant facilities shall be a minimum of one hundred (100) feet from any public or private road right-of-way or property line.

701.20 Other Regulations

The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, may require documentation from the Applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency. No zoning permit shall be issued for any structure or use until proof is provided by the applicant that the structure/user complies with all applicable local, state and federal regulations.

702 Reserved

703 Environmental Assessment

The intent of this §703 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors, Planning Commission,

or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental assessment (EA) for the following types of developments and uses listed below and any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EA should such components be deemed unnecessary for certain uses.

1. Industrial parks
2. Light manufacturing or manufacturing or industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Concentrated animal feeding operations
10. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
11. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
12. Any use involving development in any flood plain area

703.1 Purpose of EA

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

703.2 Contents of EA

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

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

A. Soil Types

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

B. Surface Waters

1. Distance of site from nearest surface water and head waters of streams.
2. Sources of runoff water.
3. Rate of runoff from the site.

4. Destination of runoff water and method of controlling down stream effects.
5. Chemical additives to runoff water on the site.
6. Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the County Conservation District.
7. Said information shall be set forth in a storm water management plan meeting the requirements of the applicable Subdivision Ordinance.

C. Ground Cover Including Vegetation and Animal Life

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

D. Topographic and Geologic

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

E. Ground Water

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

F. Water Supply

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

G. Sewage Disposal

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

H. Solid Waste

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

I. Air Quality

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

J. Noise

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

K. Land and Water Surface Use and Community Character

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

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

M. Historic Resources - Identification of structures or sites of historic significance and probable effect of project.

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

O. Law Enforcement - Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.

P. Community Facilities and Services - Existing community facilities and services and how the proposed use will effect those facilities and services, including projected needs for additional facilities and services.

P. Additional Requirements - In addition to the above requirements the Planning Commission and/or Township Board of Supervisors or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.

703.3 Additional Considerations

The following shall also be addressed:

- A. A description of alternatives to the proposed use.
- B. A statement of any adverse impacts which cannot be avoided.
- C. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

- D. A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
- E. A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

703.4 Qualifications

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

703.5 Procedures for Evaluating the Environmental Assessment Shall be as Follows

- A. Upon receipt of the application the Township shall forward the EA to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- B. The above mentioned Agencies shall review the applicant's EA and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.
- C. The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EA.
- D. Fees for the costs of such consultation as described in §§A and §§C above shall be paid by the applicant.
- E. Copies of the EA shall be on file and available for inspection in the Township office.
- F. The Planning Commission shall evaluate the proposed project and the EA and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

704 Special Conservation Standards

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized as steep slopes, wetlands or flood plains. The procedures and standards are as follows:

704.1 Steep Slope Areas

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

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.

- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- F. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope before any grading takes place.
- G. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- I. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- J. Natural vegetation shall be preserved to as great a degree as possible.
- K. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

704.2 Wetlands

If the Township determines that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service, to be delineated on any application proposing a new use or expanded use of land. The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated. If no wetlands are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all State and Federal wetland regulations; and the applicant shall provide to the Township evidence of such compliance. No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the applicant with any State or Federal wetland regulations; and the Township shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

704.3 Buffer for Water Bodies

For the purposes of protecting water quality and ensuring recreational access to water bodies, a buffer zone/building setback of not less than fifty (50) feet shall be maintained from any body of water one (1) acre or more in size or stream. Accessory structures one hundred forty-four square feet or less in area may be erected within twenty (20) feet. No buildings, structures (except uncovered docks), sewage disposal systems or other impervious surfaces (except approved boat launches and street and driveway crossings) shall be constructed or placed within these buffer zones. In residential subdivisions this strip shall be protected via a protective easement.

704.3 Floodplain

Floodplain shall be governed by the floodplain regulations contained in Article XII.

704.4 Bedrock Disturbance

See §701.12 and §705.5.

705 Earth - Bedrock Disturbance

705.1 Intent

The intent of this §705 is to regulate filling, earth disturbance, minimize storm water runoff and protect soil resources and water quality. This §705 shall not apply to agricultural uses or forestry enterprises with an approved soil erosion and sedimentation control plan meeting the requirements of the County Conservation District and PA DEP.

705.2 Permit

Any activity, except in cases where zoning or subdivision and land development approval has been otherwise granted, which will result in the filling and/or earth disturbance of more than 5,000 square feet of land area shall require a zoning permit.

705.3 Plan

The Applicant shall include with the application for a zoning permit a plan setting forth the details of the filling and/or earth disturbance and including any additional information deemed necessary by the Township to determine compliance.

705.4 Soil Erosion and Sedimentation and Storm Water Control

Any earth disturbance shall comply with §701.13 of this Ordinance and no filling or earth disturbance shall be permitted within twenty-five (25) feet of any water body or stream.

705.5 Bedrock Disturbance - Aquifer Protection

In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality and how such impacts will be mitigated. (See §701.12.)

705.6 Revegetation/Reforestation

The plan shall include provisions for the revegetation, stabilization, and/or reforestation of any disturbed areas.

706 Property Line Buffer Areas

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

706.1 Natural Vegetation

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

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

adjoining uses.

706.2. Buffer Areas

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

- A. A buffer of not less than seventy-five (75) feet in width shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge. This buffer shall be maintained until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance.

- B. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

801 Adult Businesses

801.1 Findings

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

- A. The concern over sexually transmitted diseases is a legitimate health concern of The Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.
- I. Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.

- J. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- K. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- L. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

801.2 Intent

It is the intent of this §801 to:

- A. Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials.
- D. Not totally restrict or deny access by adults to sexually oriented materials or adult materials protected by the First Amendment of the Bill of Rights of the U.S. Constitution.
- E. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

801.3 Conditional Use

Adult businesses are classified as conditional uses in certain districts, which provides a suitable area for the development of such uses away from areas designated for residential development.

801.4 Standards

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

- A. Setback - Adult businesses shall not be located less than:
 - 1. One hundred and fifty (150) feet from any property line or public road right-of-way unless the standards in §§3 and §§ 4 of this §801.4,A require larger setbacks;
 - 2. Five hundred (500) feet from any:
 - a. residence

- b. group care facility
 - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
3. One thousand (1,000) feet from any:
- a. church or synagogue
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within five hundred (500) lineal feet of any existing adult business.
- C. Measurement - The setback distances established in this §801 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- D. Enlargement - An existing, lawful adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, but only in accord with Article IX of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §801 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in Subsection "E" above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.
- G. Location of New Neighboring Uses -An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under Subsection "A" above is developed within the required setback distance. Any additions or expansions of the use shall comply with Subsection "A" above.
- H. Reserved
- I. Visibility and Signs: - No sexually explicit material, signs, display, silhouette or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of §505 of this Ordinance; however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (10) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.
- J. Exemption for Modeling Class: It is a defense to prosecution under this §801 that a person appearing in a state of nudity did so in a modeling class operated:
1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;

3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

802 Reserved

803 Agricultural Uses -- Crop Production and Livestock Operations

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

803.1 Crop Production

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

803.2 Livestock Operations

Livestock operations shall be permitted only in those districts as designated on the schedule of uses.

803.3 State Protected Agricultural Operations

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

803.4 Setbacks

Any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall not be less than two hundred (200) feet from any property line or road right-of-way. The setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.

804 Airports And Heliports

The standards in this §804, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed airports and heliports as defined and regulated by this Ordinance.

804.1 Conditional Use

The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless conditional use approval has been granted. In addition to the requirements of §1108 of this Zoning Ordinance, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

- A. Any extension of a runway's length or location;
- B. Any change in the height of a runway;
- C. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard

zone;

- D. Any change of runway direction or alignment;
- E. Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
- F. Any change in airport rating category under *67 Pa. Code §471.5* as amended, effecting or altering the location or extent of any airport hazard zone.
- G. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

804.2 Application Contents

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

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

804.3 Engineering Review

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

804.4 Costs

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

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

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

804.5 Criteria to Review

In acting on a conditional use, the Supervisors shall consider:

- A. The effect upon reasonable use of properties affected by the proposal.
- B. How the applicant plans to acquire any necessary air rights.
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;
- E. The character of the community which is affected by the proposal.
- F. The effect upon roads, development, transportation routes, and other aspects of the Township's Comprehensive Plan;
- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety.

804.7 Runway and Landing Pad Setbacks

The edges and ends of any runway and/or helicopter landing pad shall be a minimum of two hundred and fifty (250) feet from any property line.

805 Amusement Parks

Amusement parks are classified as conditional uses in certain districts and in addition to all other applicable standards of this Ordinance, amusement parks shall be subject to the following standards.

805.1 Parcel Size

A minimum parcel of five (5) acres shall be required.

805.2 Fencing

A fence not less than six (6) feet in height and of such design to restrict access shall completely surround the amusement park; and said fence shall not be placed less than ten (10) feet from any property line or public road right-of-way.

805.3 Structure Height

No ride, structure or other amusement attraction shall be located closer to any setback line than the height of said ride, structure or amusement.

805.4 Hours of Operation

Hours of operation shall be limited to the period between 9:00 a.m. and 11:00 p.m.

806 Animals, Keeping of

806.1 Kennels

Kennels are considered conditional uses in certain districts and shall be subject to §1208 of this Ordinance and the following conditions:

- A. Parcel Size - A minimum parcel of five (5) acres shall be required.
- B. Setbacks - Any structures, outdoor kennels, or animal exercise areas used for dogs shall meet the setbacks on

Table 806.

- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel or animal exercise areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 A.M.
- F. Wastes - The applicant shall provide for adequate and proper disposal at a PA DEP-approved facility of all any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §§B of this §806.1 until disposed of and proof of such disposal shall be provided to the Township.
- G. Nuisances - The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

TABLE 806 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES					
Type of Use	Minimum Lot Size (acres)	Land Requirements for Horses	Property Line Setback (ft)	Road** Setback (ft)	Existing Building*** Setback (ft)
Private Stables in RES and DEV Districts	4	1 acre per horse*	75	75	100
Private Stables in RUR and CON Districts	2	1 acre per horse*	75	75	100
Commercial Stables / Horses for Hire	25	1 acre per horse	100	75	200
Kennel	5	not applicable	125	100	200
*In addition to the minimum lot size required for the principal use. **Applies to any public or private road right-of-way. ***Applies to any existing principal residential or commercial building not located on the project premises.					

806.2 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in accord with the Schedule of Uses and the following conditions:

- A. Parcel Size - See Table 806.
- B. Number of Horses - The number of horses permitted shall not exceed one (1) horse per every one (1) acre of land. The minimum lot size required for the principal use shall not be counted as any area available for horses.
- C. Building Size - The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.

- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 806-1, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- I. Uses Permitted - The following types of uses shall be permitted as part of the operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures, including facilities for training only.
 - 3. Boarding of horses.

806.3 Stables, Commercial and Horses for Hire

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

- A. Parcel Size - A minimum parcel of twenty-five (25) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - The number of horses permitted shall not exceed one (1) horse per every one (1) acre of land.
- C. Building Size - The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback
- G. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.

H. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:

1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way.
3. Boarding of horses, and necessary buildings and structures.
4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
5. Sale of horses other than the horses raised or boarded on the premises.
6. Retail sales of goods or merchandise which are incidental and accessory to the stable use.

806.4 Zoos, Menageries, and Wild and Exotic Animals

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

- A. A minimum parcel size of five (5) acres shall be required.
- B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations
- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within one hundred twenty-five (125) feet of any adjoining property line and one hundred (100) feet from any public or private road right-of-way.
- J. The applicant shall provide for adequate and proper disposal at a PA DEP-approved facility of all any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §§J of this §806.4 until disposed of and proof of such disposal shall be provided to the Township.

807 Reserved**808 Bulk Fuel Storage Facilities**

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

808.1 Parcel Size

Bulk fuel storage facilities shall be located on a tract of land not less than three (3) acres in area.

808.2 Setbacks

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

808.3 Fence

The total tank storage area shall be entirely fenced with an eight (8) foot high industrial type security fence or have an equivalent protection barrier approved by the Township.

808.4 Other Regulations

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

809 Reserved**810 Concentrated Animal Feeding Operations**

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

810.1 Use Classification

Concentrated animal feeding operations shall be considered conditional uses.

810.2 Definition and Calculations

- A. Concentrated Animal Feeding Operation (CAFO) - Any operation which involves the raising of livestock or poultry where the animal density exceeds, on an annualized basis, two (2) animal equivalent units per acre of crop land or land suitable for application of animal manure. Acres suitable for application of manure include owned or rented crop land, hay land or pasture land that (1) is an integral part of the operation and (2) is or will be used for the application of manure from the operation. Farmstead (a minimum deduction of 2 acres is required) and forest land do not qualify.
- B. Animal Equivalent Unit (AEU) - One thousand (1,000) pounds live weight of livestock or poultry, regardless of the actual number of animals. To determine the number of AEU's associated with an operation the following formula shall be used:

$$\# \text{ of AEU's} = \frac{(\# \text{ of animals}^*) (\text{animal weight in pounds}) (\# \text{ of production days per year})}{(365 \text{ days per year}) (1,000 \text{ pounds})}$$

*NOTE: average number on a typical production day

810.3 Standards

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

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

811 - 812 **Reserved**

813 Detention Facilities

In addition to all other applicable standards, detention facilities shall be in strict conformity with the following specific requirements and regulations and shall be permitted only in those districts as specified in the Schedule of Uses.

813.1 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres.

813.2 Site Design Standards

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

- A. The building and all secure areas shall not be less than two hundred and fifty (250) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - 1. residence
 - 2. group care facility
 - 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - 4. public or semi-public building or
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. church or synagogue
 - 8. public or private school

- B. A perimeter security fence, of a height and type determined by the Township, may be required.

813.3 Security

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

813.4 Accessory Uses and Ancillary Activities

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

814 Reserved

815 Forestry Enterprises

815.1 Permit Required

A permit shall be required for all forestry enterprises.

815.2 Soil Erosion and Sedimentation and Storm Water Control

Any earth disturbance shall comply with §701.13 of this Ordinance and a soil erosion and sedimentation control plan shall be required. No earth disturbance or clear cutting shall be permitted within twenty-five (25) feet of any water body or stream except for approved stream crossings.

815.3 Best Management Practices

Timber harvesting shall be conducted in accord with accepted best management practices. Accepted best management practices are generally those recommended by the Penn State College of Agricultural Sciences School of Forest Resources, the Pennsylvania Department of Environmental Protection Bureau of Forestry, the Pennsylvania Forestry Association, the Pennsylvania Hardwoods Development Council, the Hardwood Lumber Manufacturers Association of Pennsylvania, and the Society of American Foresters. Many of these best management practices are detailed in the following publications:

1. *Best Management Practices for Pennsylvania Forests*, Penn State College of Agricultural Sciences, 1996.
2. *Timber Harvesting Issues in Pennsylvania*, Penn State College of Agricultural Sciences School of Forest Resources, undated.
3. *Best Management Practices for Silvicultural Activities in Pennsylvania's Forested Wetlands*, Penn State College of Agricultural Sciences School of Forest Resources and Pennsylvania Hardwoods Development Council, 1993.

815.4 Township Road Bond

The Township may require a bond, letter of credit or other financial guarantee to assure that any damage to Township roads caused by logging or any other forestry enterprise is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

815.5 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.
- E. Road Ditches - Ditches on the public road shall be cleaned and graded as necessary to be maintained to pre-harvest condition.

815.6 Setbacks

- A. Residential and Nonresidential Buildings - Landing areas and log storage areas shall not be less than two hundred (200) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Landing areas and log storage areas shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.

- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

816 - 819 Reserved

820 Junk Yards

Junk yards shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to the standards in Article VII, §1108 and other applicable regulations, shall comply with the following requirements:

820.1 State Regulations

All junkyards shall comply with all state rules and regulations and all state-required permit and reporting information shall be made available to the Township upon request.

820.2 Property Owner Responsibility

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

820.3 Operating Standards

All proposed junk yards and expansions of existing junkyards shall be established, maintained, and operated in accord with the following standards:

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - All junk yards shall be screened, to the satisfaction of the Board of Supervisors, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than one hundred (100) feet from any public road right-of-way, one hundred (100) feet to any property line or one hundred and fifty (150) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this §D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this §D.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.

- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.
- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than ten (10) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

821 - 824 Reserved

825 Mineral Extraction and Mineral Extraction, Minor

825.1 Findings

The primary minerals of importance extant in the Township are sand and gravel, and quarry stone. The Pennsylvania

Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. In addition, the Planning Code now severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township. Planning Code Section 603(I) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects, and reclamation.

825.2 Intent

The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and to establish the foundation for any conditions required to protect the public health, safety and general welfare. In addition, location standards are included which are not addressed by the pre-emptive state statutes.

825.3 Mineral Extraction Processing a Separate Use

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

825.4 Mineral Extraction, Minor

The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations. Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*. The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit. The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted. *Mineral extraction, minor* uses shall be exempt from the plan submission requirements of this Section 825; however, said operations shall comply with the operational and rehabilitation standards.

825.5 Location Requirements

Mineral extraction and *mineral extraction, minor* shall be permitted only in those districts specified in the Schedule of Uses and only in accord with the requirements of this §825 and all other applicable Ordinance requirements. The mineral extraction operation shall comply with the following additional location requirements:

- A. Parcel Size: The minimum parcel size shall be ten (10) acres for *mineral extraction, minor* and fifty (50) acres for *mineral extraction*.
- B. Property Line Setback, Zoning District Setback and Buffer: A setback of one hundred (100) feet shall be maintained between any mineral extraction operation and adjoining properties and public road rights-of-way. In addition, a setback of three hundred (300) feet shall be required between an mineral extraction operation and the boundary line of any zoning district where dwellings are permitted. These setback areas shall be

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

825.6 Local, State and Federal Regulations

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

825.7 Information Requirements

The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the applicable Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with Section 702,4 of this Ordinance and Section 603(c)(2) of the Pennsylvania Municipalities Planning Code.

- A. DEP Application Information: The applicant shall provide a copy of all applications and information required by the applicable DEP Rules and Regulations. However, applicants proposing mineral extraction operations qualifying as *small noncoal operations* under DEP regulations shall provide all information required by Chapter 77 - Noncoal Mining of DEP Rules and Regulations for operations which are not considered *small noncoal operations*.
- B. Surface and Ground Water Protection, Traffic Impact Study and Environmental Impact Statement - The Township shall require for *mineral extraction* and may require for *mineral extraction, minor*, the applicant to submit details about ground and surface water protection (see Section 805), an Environmental Impact Statement (see Section 806), and a Traffic Impact Study for Major Impact Developments (see Section 807).

825.8 Reporting Requirements

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

826 - 840 Reserved

841 Self-Storage Facilities

Self-storage facilities shall be permitted only in those districts as specified in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards of this Ordinance.

841.1 Bulk Requirements

Minimum lot size, lot width and yards, and maximum lot coverage and building height shall conform to district standards. Minimum distance between buildings shall be twenty (20) feet.

841.2 Setback Areas

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

841.3 Fence

The facility shall be surrounded by a fence of such height and design as to restrict access to the warehouse, and said fence shall not be less than six (6) feet in height and shall be located between the warehouse and any required vegetative screening.

841.3 Habitation

No storage unit shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.

841.4 Storage Limitations

No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.

841.5 Lighting

All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

841.6 Fire - Water Damage

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

841.7 Materials Stored

All self-storage facility proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this §841 are or will be satisfied.

842 to 843 Reserved**844 Shooting Ranges and Archery Ranges -- Outdoor Commercial**

This §844 is intended to provide minimum standards to regulate commercial outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances. Such ranges shall be permitted only in those districts as specified in the Schedule of Uses.

844.1 Setbacks

- A. All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this §844. This shall not apply to structures on the same parcel as the shooting range.
- B. All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this §844. This shall not apply to structures on the same parcel as the shooting range.

844.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §844. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range

orientation, and a limitation of hours of operation.

844.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

844.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 10:00 PM and 8:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

844.5 Fence

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

844.6 Posting

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

844.7 NRA, State and Federal Regulations

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

845 Shopping Centers, Malls, and Multiple Occupant Commercial Establishments

It is the intent of this §845 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as *multiple occupant commercial establishments*) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- C. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- D. Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for shopping center patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

845.1 Conditional Use and Land Development

Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this §845.

Said proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the applicable Subdivision and Land Development Ordinance and shall comply in all respects with all the

requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.)

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
- B. A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
- F. Location and dimensions of pedestrian entrances, exits, walks;
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary architectural drawings for all buildings;
- I. Location, size, height, and orientation of all signs other than signs flat on building facades;

845.2 Ownership

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

846 to 847 Reserved

848 Solid Waste

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §848.

848.1 Traffic Study

The applicant shall provide evidence by a professional person or firm competent to perform traffic analysis showing that the traffic generated by the site will not cause a reduction in the level of service on the roads used by said facility. The applicant shall provide copies of the completed traffic analysis to the Township Engineer for review and approval. The Township Engineer shall transmit the review in writing to Board of Supervisors, the applicant and other known parties of interest prior to the hearing. If the facility will cause a reduction in the level-of-service, as determined by the most current method endorsed by the Institute of Traffic Engineers, approval shall not be granted.

- A. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- B. The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

- C. Road Improvements - The applicant/operator shall be responsible for improving any Township road found by the Township to be deficient for carrying the type and volume of traffic generated by the facility. All costs, including but not limited to engineering and construction, shall be borne by the applicant/operator.

848.2 Standards

- A. Parcel Size and Property Line Setbacks -The minimum parcel size for any facility shall be one hundred (100) acres. No part of any facility expanded or created after the effective date of this Ordinance shall be located closer than five hundred (500) feet to an existing public right-of-way or property line, and nine hundred (900) feet to any dwelling. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer (see definition) not less than fifty (50) feet in width shall be provided in all yards.
- B. Floodplain, Wetlands, Streams, Water Bodies, Water Sources - No part of any facility expanded or created after the effective date of this Ordinance shall be located:
1. In any 100-year floodplain.
 2. Closer than five hundred (500) feet to any body of water greater than one(1) acre, wetland or stream.
 3. Closer than one-half (½) mile of any private or public potable water source.
- C. Fencing - All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities within six (6) months of approval of a new or expanded facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.
- D. Storage and Loading/Unloading - Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface which drains into a holding tank that is then adequately treated.
- E. Effluent Treatment - The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.
- F. Emergency Access - The applicant/operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- G. Nuisances - Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant/operator shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract. The applicant/operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant/operator shall provide documentation to the satisfaction of the Board of Supervisors that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.
- H. State and Federal Regulations and Reporting - The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the

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

848.3 State and Federal Regulations and Reporting - The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §848 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

849 Reserved

850 Storage Yards for Forest Products and Stone

The intent of this section is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals. (See definition of *storage yards for forest products and stone* in Article III.)

850.1 Access to Public Roads

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

850.2 Setbacks

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than three hundred (300) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Storage yards shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

851 Swimming Pool, Commercial

Commercial swimming pools shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to all other applicable requirements of this Ordinance, shall comply with the standards in this §851.

851.1 Setback

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

851.2 Enclosure

A fence, wall or other enclosure not less than six (6) feet high and of a design to restrict access shall completely surround the area of the swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.

851.3 Access

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

851.4 Hours of Operation

The hours of operation of outdoor commercial pools shall be limited to the hours between 9:00 a.m. and 9:00 p.m.

852 Reserved

853 Treatment Centers/Clinics, Medical Offices, And Health Facilities

In addition to all other applicable standards, treatment centers/clinics, and medical offices and health facilities including, but not limited to, hospital facilities, and nursing and adult homes, whether publicly or privately operated, shall comply with the following requirements and shall be permitted only in those districts as specified in the Schedule of Uses.

853.1 Waste Disposal

Details shall be provided by the applicant about the types and amount of medical and hazardous waste generated anticipated to be generated at the facility and how such waste will be handled, stored and disposed of in accord with state and federal requirements.

853.2 Security

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

853.3 Treatment Centers/Clinics

The following additional standards shall apply to treatment centers/clinics.

- A. In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of five (5) acres.
- B. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - 1. residence
 - 2. group care facility
 - 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - 4. public or semi-public building or use

5. public park or public recreation facility
 6. health facility
 7. church or synagogue
 8. public or private school
- C. A security plan shall be provided in accord with §7.117 of this Zoning Ordinance.
- D. A perimeter security fence may be required by the Township, and shall be a minimum of ten (10) feet in height and constructed of chain-link, topped with barbed or concertina wire as may be required by the Township.
- E. Methadone treatment facilities, as defined by §621(d) of the Pennsylvania Municipalities Planning Code, shall, in addition to the other requirements of this §853, comply with the requirements of §621 of the Pennsylvania Municipalities Planning Code.

854 - 855 Reserved

856 Vehicle Related Uses

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §856.

856.1 Car and Truck Wash Facilities

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- D. The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.
- E. Any wash facility located within two hundred (200) feet of any residential district shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

856.2 Gasoline Service Stations and Vehicle or Equipment Repair Operations

All gasoline service stations and vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- A. All service and repair activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- B. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores outdoors more than four (4) vehicles per interior service stall outdoors, it shall comply with the junk regulation set forth

in this Ordinance.

- C. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- D. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation
- E. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- F. No vehicles shall be stored in any required setback areas.
- G. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any residential district.
- H. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

856.3 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific requirements:

- A. All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the district.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §856.2 above.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.
- G. No vehicles shall be stored in any required setback areas.

856.4 Race Tracks

All race tracks/courses for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies, water craft, and the like, shall be located not less than one (1) mile from any R District and the track/course shall not be less than five (500) feet from any property line or public road right-of-way.

857 Reserved**858 Wind Farms**

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind farms which shall be permitted as conditional uses only in the districts as provided by the Schedule of Uses.

858.1 Purposes

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

858.2 Permits; Use Regulations

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

. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

858.3 Standards

- A. **Wind Farm Height** - The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily . No windmill that is taller than this minimum height shall be approved.
- B. **Parcel Size; Setbacks**
 1. **Separate Parcel** - If the parcel on which the wind farm is a separate and distinct parcel, the zoning district

minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.

2. Lease, License or Easement - If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
- C. Principal Structures - No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- C. Wind Farm Support Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind farm and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.
- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- E. Landscaping - Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the Wind farm; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.
- G. Access; Required Parking - Access to the wind farm shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- H. Color and Lighting; FAA and PA DOT Notice - Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.

- I. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind farm developer.
- J. Historic Structures - A wind farm shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- K. Discontinued Use - Should any wind farm or windmill cease to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.
- L. Site Plan - A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.

859 Wireless Telecommunications Facilities

Wireless Telecommunications Facilities are classified as conditional uses in the Rural District, and in addition to all other applicable requirements of this Zoning Ordinance. The provisions of this §859 shall apply.

859.1 Purpose and Legislative Intent

The Telecommunications Act of 1996 affirmed Orange Township's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The Board of Supervisors finds that Wireless Telecommunications Facilities may pose a unique hazard to the health, safety, public welfare and environment of Orange Township and its inhabitants. The Township also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Township and of significant benefit to the Township and its residents. The requirements of this Section are intended to:

- A. Ensure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the Township's land use policies.
- B. Minimize the negative impact of Wireless Telecom Communications Facilities.
- C. Promote and encourage, wherever possible, the sharing and/or collocation of Wireless Telecommunications Facilities among service providers.
- D. Promote and encourage, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner as to minimize adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities.

859.2 Definitions

Accessory Facility or Structure: An accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Antenna: A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications

services (PCS), and microwave Telecommunications.

Collocation: Collocation means the use of the same Telecommunications Tower or structure to carry two or more Antennae for the provision of wireless set-vices by two or more persons or entities.

Commercial Impracticability or Commercially Impracticable: As is defined and applied under the United States Uniform Commercial Code (UCC).

Direct-to Home Satellite Services or Direct Broadcast Service or DBS: Programming transmitted or broadcast by satellite directly to subscribers' premises without the use of ground receiving equipment, except at the subscribers' premises or in the uplink process to the satellite.

EPA: State and/or Federal Environmental Protection Agency or its duly assigned successor agency.

FAA: The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC: The Federal Communications Commission, or its duly designated and authorized successor agency.

Free Standing Tower: A tower that is not supported by guy wires and ground anchors or other means of attached or external support.

Height: When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point on the tower or structure, even if said highest point is an antenna.

NIER: Non-Ionizing Electromagnetic Radiation.

Person: Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Personal Wireless Facility: See definition for *Wireless Telecommunications Facilities*.

Personal Wireless Services or PWS or Personal Telecommunications Service or PCS: As defined and used in the 1996 Telecommunications Act.

Telecommunication Site: See definition for *Wireless Telecommunications Facilities*.

Telecommunications: The transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Structure: A structure used in the provision of services described in the definition of *Wireless Telecommunications Facilities*.

Temporary: In relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

Wireless Telecommunications Facilities or Telecommunications Tower or Telecommunications Site or Personal Wireless Facility: A structure, facility or location designed, or intended to be used as, or used to support, antennas, as well as antennas or any functional equivalent equipment used to transmit or receive signals. It includes without limit, free standing towers, guyed towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal telecommunications

services, or microwave telecommunications, but excluding those used exclusively for fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

859.3 Conditional Use Permit Application and Other Requirements

All applications for the construction or installation of new Wireless Telecommunications Facilities shall be accompanied by a report containing the information hereinafter set forth. The report shall be signed by a licensed professional engineer registered in the State. Where this section calls for certification, such certification shall be by a qualified Pennsylvania State licensed Professional Engineer acceptable to the Township, unless otherwise noted. The Application shall include, in addition to the other requirements for conditional uses, the following information:

- A. Documentation that demonstrates the need for the Wireless Telecommunications Facility to provide service primarily within the Township.
- B. Location of nearest residential structure.
- C. Location of nearest habitable structure.
- D. Location, size and height of all structures on the property which is the subject of the Application.
- E. Location, size and height of all proposed and existing antennae and all appurtenant structures.
- F. Type, locations and dimensions of all proposed and existing landscaping, and fencing.
- G. The number, type and design of the Telecommunications Tower(s) Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users.
- H. The make, model and manufacturer of the Tower and Antenna(s).
- I. A description of the proposed Tower and Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting.
- J. The frequency, modulation and class of service of radio or other transmitting equipment.
- K. Transmission and maximum effective radiated power of the Antenna(s).
- L. Direction of maximum lobes and associated radiation of the Antenna(s).
- M. Applicant's proposed Tower maintenance and inspection procedures and related system of records.
- N. Certification that NIER levels at the proposed site are within the threshold levels adopted by the FCC.
- O. Certification that the proposed Antenna(s) will not cause interference with existing telecommunications devices, which certification shall be reviewed by a licensed engineer designated by Township.
- P. A copy of the FCC license applicable for the use of Wireless Telecommunications Facilities.
- Q. Certification that a topographic and geomorphologic study and analysis has been conducted, and that taking into account the subsurface and substrata, and the proposed drainage plan, that the site is adequate to assure the stability of the proposed Wireless Telecommunications Facilities on the proposed site, which certification shall be reviewed by a licensed engineer designated by the Township.

- R. Propagation studies of the proposed site and all adjoining proposed, in-service or existing sites.
- S. A written disclosure of any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.
- T. In the case of a new Telecommunications Tower, a written report demonstrating its efforts to secure shared use of existing Telecommunications Tower(s) or use of existing buildings or other structures within the Township. Copies of written requests and responses for shared use shall be provided to the Township.
- U. Written certification that the Telecommunication Facility, foundation and attachments are designed and will be constructed to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads.

859.4 Grounding and Bonding

After construction and prior to receiving a Certificate of Use, the Applicant shall furnish written certification that the Wireless Telecommunications Facilities are grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.

859.5 Visual Impact and Assessment

All Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to have the least adverse visual effect on the environment and its character, and the residences in the area of the Wireless Telecommunications Facilities site. The Board of Supervisors may require the Applicant to furnish a Visual Impact Assessment which shall include:

- A. A *Zone of Visibility Map* which shall be provided in order to determine locations where the Tower may be seen.
- B. Pictorial representations of *before and after* views from key viewpoints both inside and outside of the Township, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. The Planning Commission, acting in consultation with its consultants or experts, will provide guidance concerning the appropriate key sites.
- C. An assessment of the visual impact of the Tower base, guy wires and accessory buildings from abutting and adjacent properties and streets.

859.6 Screening

The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view its proposed Wireless Telecommunications Facilities base and all related facilities and structures.

859.7 Utilities

All utilities from Wireless Telecommunications Facilities sites shall be installed underground and in compliance with all Ordinances, rules and regulations of the Township, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The Board of Supervisors may, as part of the conditional use process, waive or modify the requirements for underground installation whenever in the opinion of the Board of Supervisors, such action shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

859.8 Construction Materials

Both the Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

859.9 Access and Parking

At a Telecommunications Site, an access road and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

859.10 Other Regulations and Requirements

A Person who holds a permit for Wireless Telecommunications Facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted Wireless Telecommunications Facilities in strict compliance with all current technical, safety and safety-related codes adopted by the Township, County, State, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsibly workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply. The permit holder shall obtain, at its own expense, all permits and licenses required by applicable rule, regulation or Ordinance, and must maintain the same, in full force and effect, for as long as required by the Township or other governmental entity or agency having jurisdiction over the applicant.

859.11 Environmental Assessment

The Township may require the Applicant to submit an environmental assessment of the proposed project in combination with its review of the conditional use application.

859.12 Design for Collocation

The Applicant shall examine the feasibility of designing a proposed Telecommunications Tower to accommodate future demand for at least two (2) additional commercial applications, for example, future collocations. The scope of this examination shall be determined by the Township. The Telecommunications Tower shall be structurally designed to accommodate at least two (2) additional Antenna arrays equal to those of the Applicant, and located as close to the Applicant's Antenna as possible without causing interference. This requirement may be waived as part of the conditional use process, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Telecommunications Tower is not technologically feasible, or is Commercially Impracticable and creates an unnecessary and unreasonable burden, based upon:

- G. The foreseeable number of FCC licenses available for the area.
- H. The kind of Wireless Telecommunications Facilities site and structure proposed.
- I. The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites.
- J. Available space on existing and approved Telecommunications Towers.

859.13 Shared Use

The applicant shall submit to the Township a letter of intent committing the owner of the proposed new Tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed Tower by other Telecommunications providers in the future. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the conditional use permit. The letter shall commit the new Tower owner and their successors in interest to:

- A. Respond within sixty (60) days to a request for information from a potential shared-use applicant.
- B. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers.

- C. Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.

859.14 Notification of Modification

The owner of any Wireless Telecommunications Facility shall notify the Township of any intended modification of a Wireless Telecommunication Facility and shall apply to the Township to modify, relocate or rebuild a Wireless Telecommunications Facility.

859.15 Balloon Test

In order to better inform the public, in the case of a new Telecommunication Tower, the Applicant shall, prior to the public hearing on the Application, hold a *balloon test* as follows: Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot diameter brightly colored balloon at the maximum height of the proposed new Tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised, by the Applicant, at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the Township and agreed to by the Board of Supervisors. The Applicant shall inform the Board of Supervisors, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least eight consecutive hours sometime between 7:00 am and 4:00 pm of the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a week day.

859.16 Lighting

The Applicant shall provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the Telecommunications Tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement shall be for any new tower, or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with the FAA, all responses from the FAA, and any related correspondence shall be provided in a timely manner.

859.17 Location of Wireless Telecommunications Facilities

- A. Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and four (4) being the lowest priority.
1. On existing Telecommunications Towers or other tall structures.
 2. Collocation on a site with existing Wireless Telecommunications Facilities or structures.
 3. On municipally-owned properties.
 4. On other property in the Township.
- B. If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site.
- C. An Applicant may not by-pass sites of higher priority by stating the site presented is the only site leased or selected. An Application shall address collocation as an option and if such option is not proposed, the Applicant must explain why collocation is Commercially or otherwise Impracticable. Agreements between providers limiting or prohibiting collocation, shall not be a valid basis for any claim of Commercial Impracticability or hardship.

- D. Notwithstanding the above, the Board of Supervisors may approve any site located within an area in the above list of priorities, provided that the Board of Supervisors finds that the proposed site is in the best interest of the health, safety and welfare of the Township and its inhabitants.
- E. The Applicant shall submit a written report demonstrating the Applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If the site selected is not the highest priority, then a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application.
- F. The Applicant shall, in writing, identify and disclose the number and locations of any additional sites that the Applicant has been, is, or will be considering, reviewing or planning for Wireless Telecommunications Facilities in the Township, and all municipalities adjoining the Township, for a two year period following the date of the Application.
- G. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the Board of Supervisors may disapprove an Application for any of the following reasons.
- A. Conflict with safety and safety-related codes and requirements.
 - B. Conflict with traffic needs or traffic Ordinances, or definitive plans for changes in traffic flow or traffic Ordinances.
 - C. Conflict with the historic nature of a neighborhood or historical district.
 - D. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation.
 - E. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the probability of such, to residents, the public, employees and agents of the Township, or employees of the service provider or other service providers
 - F. Conflicts with the provisions of this Ordinance.

859.18 Shared Use of Wireless Telecommunications Facilities and Other Structures

- A. Shared use of existing Wireless Telecommunications Facilities shall be preferred by the Township, as opposed to the proposed construction of a new Telecommunications Tower. Where such shared use is unavailable, location of Antennas on other pre-existing structures shall be considered and preferred. The Applicant shall submit a comprehensive report inventorying existing Towers and other appropriate structures within four (4) miles of any proposed new Tower Site, unless the Applicant can show that some other distance is more reasonable, and outlining opportunities for shared use of existing facilities and the use of other pre-existing structures as a preferred alternative to new construction.
- B. An Applicant intending to share use of an existing Telecommunications Tower or other structure shall be required to document the intent of the existing owner to share use. In the event of an Application to share the use of an existing Telecommunications Tower does not increase the height of the Telecommunications Tower, the application shall be considered a principal permitted use.
- C. Such shared use shall consist only of the minimum Antenna array technologically required to provide service within the Township, to the extent practicable.

859.19 Height of Telecommunications Tower(s)

- a. The Applicant must submit documentation justifying to the Board of Supervisors the total height of any Telecommunications Tower, Facility and/or Antenna and the basis therefor. Such justification shall be to provide service within the Township, to the extent practicable, unless good cause is shown.

- b. Telecommunications Towers shall be no higher than the minimum height necessary. Unless approved as part of the conditional use process upon good cause shown, the maximum height shall be one hundred ten (110) feet, based on three (3) co-located antenna arrays and ambient tree height of eighty (80) feet.
- c. The maximum height of any Telecommunications Tower and attached Antennas constructed after the effective date of this Ordinance shall not exceed that which shall permit operation without artificial lighting of any kind, in accordance with Municipal, County, State, and/or any Federal statute, code, rule or regulation.

859.20 Visibility of Wireless Telecommunications Facilities.

- A. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by this Ordinance or other regulatory authority.
- B. Telecommunications Towers shall be of a galvanized finish, or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings as approved by the Board of Supervisors, and shall be maintained in accordance with the requirements of this Ordinance.
- C. If lighting is required, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations, and an artist's rendering or other visual representation showing the effect of light emanating from the site on neighboring habitable structures within fifteen hundred (1,500) feet of all property lines of the parcel on which the Wireless Telecommunications Facilities are located.

859.20 Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner which prevents unauthorized access. Specifically as follows:

- a. All Antennas, Towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into.
- b. Transmitters and Telecommunications control points must be installed such that they are readily accessible only to persons authorized to operate or service them.

859.21 Signage

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the presence of an Antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be located so as to be visible from the access point of the site. The sign shall not be lighted unless the Board of Supervisors shall have allowed such lighting or unless such lighting is required by applicable provisions of this Ordinance. The sign shall be approved by the Board of Supervisors as part of the conditional use. No other Signage, including advertising, shall be permitted on any facilities, Antennas, Antenna supporting structures or Antenna Towers, unless otherwise required by law.

859.22 Lot Size And Setbacks

- A. All proposed Wireless Telecommunications Facilities shall be set back from abutting parcels, recorded rights-of-way, and road and street lines a distance sufficient to substantially contain on-site ice-fall or debris from a Tower or Tower failure, and to preserve the privacy and sanctity of any adjoining properties.
- B. Wireless Telecommunications Facilities shall be located with a minimum setback from any property line a distance equal to the height of the Wireless Telecommunications Facility or the existing setback requirement of

the underlying zoning district, whichever is greater. Further, any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

859.23 Retention of Expert Assistance And Reimbursement by Applicant

- A. The Board of Supervisors may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the Application and any requests for decertification.
- B. An Applicant shall deposit with the Township funds sufficient to reimburse the Township for all reasonable costs of consultant and expert evaluation and consultation to the Board of Supervisors in connection with the review of any Application. The initial deposit shall be \$7,500.00. These funds shall accompany the filing of an Application and the Township will maintain a separate escrow account for all such funds. The Township's consultants/experts shall bill or invoice the Township no less frequently than monthly for its services in reviewing the Application and performing its duties. If at any time during the review process this escrow account has a balance less than \$2,500.00, Applicant shall immediately, upon notification by the Township, replenish said escrow account so that it has a balance of at least \$2,500.00. Such additional escrow funds must be deposited with the Township before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the Township is more than the amount of the actual billing or invoicing at the conclusion of the review process, the difference shall be promptly refunded to the Applicant.
- C. The total amount of the funds set forth in §859.23,B may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed by the Board of Supervisors or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as required and requested by the Township, shall be paid by the Applicant.

859.24 Exceptions From a Conditional Use Permit For Wireless Telecommunications Facilities

- A. No Person shall be permitted to site, place, build, construct or modify, or prepare site for the placement or use of, Wireless Telecommunications Facilities as of the effective date of this Ordinance without having first obtained a Conditional Use Permit. Notwithstanding anything to the contrary in this Section, no conditional use permit shall be required for those exceptions noted in the definition of Wireless Telecommunications Facilities, such as those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications.
- B. New construction, including routine maintenance on existing Wireless Telecommunications Facilities, shall comply with the requirements of this Ordinance.
- C. All Wireless Telecommunications Facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any modification to existing Wireless Telecommunications Facilities must comply with this Ordinance.

859.25 Annual NIER Certification

The holder of the conditional use permit shall annually certify in writing to the Township that NIER levels at the site are within the threshold levels adopted by the FCC. The certifying engineer need not be approved by the Township.

859.26 Liability Insurance

- A. A holder of a conditional use permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the conditional use permit in amounts as set forth below:

1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate.
 2. Automobile Coverage: \$1,000,000.00 per occurrence/\$2,000,000 aggregate.
 3. Workers Compensation and Disability: Statutory amounts.
- B. The Commercial General liability insurance policy shall specifically include the Township and its officers, employees, committee members, attorneys, agents and consultants as additional named insureds.
- C. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- D. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Township with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E. Renewal or replacement policies or certificates shall be delivered to the Township at least fifteen (15) days before the expiration of the insurance which such policies are to renew or replace.
- F. Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the conditional use permit, the holder of the conditional use permit shall deliver to the Township a copy of each of the policies or certificates representing the insurance in the required amounts.

859.27 Indemnification

- A. Any application for Wireless Telecommunications Facilities that is proposed for Township property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Township, and its officers, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at Ordinance or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Wireless Telecommunications Facilities. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Township.
- B. Notwithstanding the requirements noted in §859.27,A, an indemnification provision will not be required in those instances where the Township itself applies for and secures a conditional use permit for Wireless Telecommunications Facilities.

859.28 Removal of Wireless Telecommunications Facilities

- A. Under the following circumstances, the Zoning Officer may determine that the health, safety, and welfare interests of the Township warrant and require the removal of Wireless Telecommunications Facilities.
1. Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety (90) consecutive days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within ninety (90) days.
 2. Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard.
 3. Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining,

or in a manner not authorized by, the required conditional use permit, or any other necessary authorization.

- B. If the Zoning Officer makes such a determination as noted in §859.28,A, then the Zoning Officer shall notify the holder of the conditional use permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed. The Zoning Officer may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- C. The holder of the conditional use permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the Zoning Officer. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Board of Supervisors.
- D. If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the Board of Supervisors may order officials or representatives of the Township to remove the Wireless Telecommunications Facilities at the sole expense of the owner or conditional use permit holder.
- E. If the Township removes or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the Township may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.
- F. Notwithstanding anything in this section to the contrary, the Zoning Officer may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the conditional use permit, subject to the approval of the Zoning Officer, and an agreement to such plan shall be executed by the holder of the conditional use permit and the Township. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the Township may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this section.

859.29 Adherence to State And/or Federal Rules and Regulations

- A. To the extent that the holder of a conditional use permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a conditional use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a conditional use permit for Wireless Telecommunications Facilities, the holder of such a conditional use permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

**ARTICLE IX
NONCONFORMITIES**

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of the original Orange Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Article is to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

901.2 Applicability

The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by §903 or §904 of this Article IX. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

901.3 Registration

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

902 Definitions

902.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Columbia County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

902.2 Nonconforming Structure

A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of this Zoning Ordinance, as amended; and including, but not limited to, non-conforming signs.

902.3 Nonconforming Structure, Alteration or Expansion

As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

902.4 Nonconforming Structure, Reconstruction

The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

902.5 Nonconforming Use

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of this Zoning Ordinance, as amended.

902.6 Nonconforming Use, Change

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.

902.7 Nonconforming Use, Extension

The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

902.8 Nonconforming Use, Reestablishment

The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

903 Nonconformities Under Development

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Special Exceptions

All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria contained in Article XI of this Ordinance and the review factors in §912 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Zoning Hearing Board in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an R District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

906.2 Conforming Changes and Conversions

- A. **Change** - A change in a nonconforming use to a conforming use shall not be considered a special exception unless the proposed use is classified as a special exception by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. **Conversion** - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a special exception. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

906.3 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

907 Extension of Nonconforming Uses**907.1 Special Exceptions**

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered special exceptions subject to the specific procedures and review criteria contained in Article XI of this Ordinance, and the review factors in §912 of this Article.

907.2 Extension onto Other Properties of Record in the Same Ownership; New Structures

Extensions of a non-conforming use shall be on land contiguous to the existing use and shall be limited to the same parcel of property on which the non-conforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance. For any non-conforming uses not involving a non-conforming structure, no new structures shall be permitted as part of an extension.

907.3 Extension Limitation

In the RES AND CON District, an extension of land or structure utilized for the non-conforming use shall be limited to a total increase not to exceed twenty-five (25) percent of land and twenty-five (25) percent of structure beyond what existed on the effective date of this Ordinance, as amended. In RUR and DEV Districts such extension shall be limited to a total increase not to exceed fifty (50) percent of land and fifty (50) percent of structure beyond what existed on the effective date of this Ordinance. All such extensions of a non-conforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.

907.4 Prohibited Extensions

Should the use proposed for extension be one which is specifically prohibited as a new use in the District or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare

concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

908 Reconstruction

908.1 Time Limit

If any nonconforming structure is damaged to any extent it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a building permit is submitted and the reconstruction is completed within twenty-four (24) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created.

908.2 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a special exception if the reconstruction involves a change or extension of use as regulated by §906 and §907 of this Ordinance, respectively.

908.3 Extension

The Zoning Officer may, for good cause shown by the owner, grant a one-time extension of not more than one (1) year for the reconstruction of the non-conforming structure. Said extension shall only be considered upon written application for same submitted by the property owner.

909 Abandonment and Reestablishment of Nonconformities

909.1 Abandonment

Unless extended in accord with this §909, if a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of eighteen (18) months or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

909.2 Extension

The Zoning Hearing Board may, as a special exception and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §1108 of this Ordinance, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

910 Alterations and Expansions of Nonconforming Structures

910.1 Alterations

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §910.

910.2 Procedure - Permits

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a special exception if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §906 and §907 of this Ordinance, respectively.

910.3 Nonconforming Setbacks

A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback

line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance.

910.4 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

911 Use of Nonconforming Lots of Record

911.1 Single Family Dwelling

A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District, provided:

- A. Adjoining Property - The lot owner does not own adjoining property all or part of which can be combined to make the lot more conforming.
- B. Setbacks - See Schedule of Development Regulations, Part 3.
- C. Other Standards - All other applicable standards in this Ordinance are satisfied.
- D. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- E. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

911.2 Commercial Uses

A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Adjoining Property - The lot owner does not own adjoining property all or part of which can be combined to make the more lot conforming.
- B. Setbacks - See Schedule of Development Regulations, Part 3.
- C. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.
- D. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- E. Other Standards - All other applicable standards in this Ordinance are satisfied.
- F. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

912 Review Factors

In addition to the standards in §1108, Article VII, and other applicable requirements, the Township shall consider any nonconformity special exception application in terms of the effect on the following factors:

912.1 Nuisance Considerations

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

912.2 Specific Considerations

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in §B below.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum. Yards and buffers shall be provided in accord with §701.1 of this Ordinance.
- C. Yards and Setbacks - No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located.
- D. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. The Township may require vegetative screening of the parking area from nearby residential areas in accord with §701.1 of this Ordinance.

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

This Article X shall apply to any development which involves the ownership and maintenance of conservation open space, open land, recreation land, or common facilities (referred to as "common area" in this Article) as required by this Ordinance and the applicable Subdivision and Land Development Ordinance.

1001 Purpose

The requirements of this Article X are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

1002 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common area. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Township.

1003 Use Restriction

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the applicable Subdivision and Land Development Ordinance.

1004 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

1005 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

All methods for use dedication and common area ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

1005.1 Property Owners Association or Condominium Agreements

All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities.

1005.2 Transfer to a Private Conservation Organization

In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common area ownership and maintenance standards of this Article and this Zoning Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization is unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

1005.3 Deed Restricted Private Ownership

On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

1005.4 Deed or Deeds of Trust

The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

1005.5 Conservation Easements Held by the Township

In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

1005.6 Fee Simple and/or Easement Dedication to the Township

In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Township agrees to and has access to maintain such lands.

1006 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Area

Should the method established for the dedication of use and operation and maintenance of common area fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

1006.1 Notice

The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common areas.

1006.2 Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

1006.3 Public Hearing

A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Zoning Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

1006.4 Failure to Correct

In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.

1006.5 Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

1006.7 Appeal

Any party to the action of the Board of Supervisors may appeal such action to court as provided for zoning appeals in the Pennsylvania Municipalities Planning Code, as amended.

1006.8 Public Costs

The costs of the preservation of use dedication and the cost maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a municipal lien on the properties, and the Board of Supervisors shall, at the time of the notice in §1006.1 above, shall file the required notice of lien against the properties.

**ARTICLE XI
ADMINISTRATION**

1100 Applicability

1100.1 Conformance

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

1100.2 Authorization

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

1100.3 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Zoning Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

1100.4 Repairs and Maintenance

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

1101 General Procedure for Permits

1101.1 Principal Permitted Use

Within ninety (90) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one applicable reason in writing to the applicant or his/her representative.

1101.2 Reviews

Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.

1101.3 Appeal

See §1105.2 which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

1101.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another

party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant. (See use permit process in §1102.7)

1102 Permits and Certificates

1102.1 Applicability See §1100.

1102.2 Types of Permits

- A. Principal Permitted Uses (Permitted by Right Uses) - If a use is listed as a principal permitted use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Special Exception Use or Application Requiring a Variance - A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- C. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

1102.3 Applications

- A. Applications - Any request for a decision, interpretation or variance by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made in writing on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - Unless waived by the Zoning Officer, five (5) copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two (2) copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include the following information.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this §1102.3 shall be provided by the applicant. However, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by this section. However, a plot plan, as required by §§6 which follows, shall not generally be required unless the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as

the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
 2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
 3. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
 4. If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
 5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
 6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 1. Water courses, lakes and wetlands (with names).
 2. Rock outcrops, ledges and stone fields.
 3. Buildings, structures, signs and setbacks required by the Zoning Ordinance.
 4. Approximate location of tree masses.
 5. Utility lines, wells and sewage system(s).
 6. Entrances, exits, access roads and parking areas including the number of spaces.
 7. Drainage and storm water management facilities.
 8. Plans for any required buffer plantings
 9. Any and all other significant features.
 7. Location of permanent and seasonal high water table areas and 100 year flood zones.
 8. Tract boundaries accurately labeled.
 9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
 10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
 11. A statement of the type of water supply and sewage disposal proposed.
 12. The present zoning district and major applicable lot requirements.
- D. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- E. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article III.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate

agencies and/or individuals (such as the Planning Commission, the Columbia County Planning Commission, the County Conservation District or Township Engineer) for review and comment.

- G. Subdivision Approval - Applications for uses which also necessitate approvals under the applicable Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the applicable Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the applicable Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to §1102.7 of this Ordinance.

1102.4 Issuance of Permit

- A. At least two (2) copies of any permit required under this Ordinance shall be made.
- B. One (1) copy of any such permit shall be retained in Township files and one (1) copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
- C. The Zoning Officer shall issue or deny a permit for a principal permitted use within a maximum of ninety (90) days after a complete, duly filed application and fees are submitted.
- D. No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid zoning permit has been issued for such work, nor shall such persons conduct such work after notice that a zoning permit has been revoked.

1102.5 Revocation of Permits

The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

- A. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based: (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties); or,
- B. Upon violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; or,
- D. For any other just cause set forth in this Ordinance.

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

1102.6 Changes to Approved Plans

- A. After the issuance of a permit and/or approval under this Ordinance by the Township, such approved application shall not be changed without the written consent of the Township, as stated in subsection "B" below.
- B. Changes to an approval by the Zoning Hearing Board as a special exception use or by the Board of Supervisors

as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.

- C. A copy of such adjustment or correction shall be provided in writing to the Chairperson of the Planning Commission, the President of the Board of Supervisors or the Chairperson of the Zoning Hearing Board if the change concerns a plan approved by such bodies.

1102.7 Certificate of Use

- A. A Certificate of Use shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- B. An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within ten (10) days of a properly submitted and duly filed application. A minimum of one (1) copy shall be retained in Township records.
- C. The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.
- D. The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

1103 Fees

1103.1 Application Fees

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. No application shall be considered complete until the requisite fee is paid. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1103.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1104 Zoning Officer

1104.1 Appointment

The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the State Planning Code.

1104.2 Duties and Powers

The Zoning Officer shall:

- A. Administer the Zoning Ordinance.
- B. Provide information to applicants regarding required procedures.
- C. Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance.
- D. Receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance.
- E. Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances and special exception granted by the Zoning Hearing Board, of conditional uses approved by the Board of Supervisors, of complaints received, of inspections made, of reports rendered, and of notice or orders issued.
- F. Make all required inspections and perform all other duties as called for in this Ordinance.
- G. Not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Township known to the Zoning Officer.

1104.3 Qualifications

Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.

- A. The person shall demonstrate a working knowledge of zoning.
- B. The person shall have one of the following combinations of education and experience:
 - 1. An high school diploma or equivalent and a minimum of four (4) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 2. An high school diploma or equivalent and two (2) additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a filed such as law enforcement, community planning and/or public administration) and a minimum of two (2) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 3. A college or university Bachelor's degree in a field related to zoning (such as law enforcement, community planning and/or government administration) and a minimum of 8 months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
- C. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Justice.
- D. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- E. The person shall demonstrate excellent oral and written communication skills.
- F. The person shall be familiar with the PA Municipalities Planning Code.

1104.4 Other Township Officials

Police officers, firefighters, construction inspectors, other Township staff and Township officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

1105 Zoning Hearing Board

1105.1 Appointment and Qualifications

- A. Appointment - The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have three (3) members and one (1) alternate member with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended.
- B. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Removal of Members. See §905 of the PA Municipalities Planning Code.
- D. Organization.
 - 1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 - 2. Quorum - For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA Municipalities Planning Code.
 - 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

1105.2 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 (Curative Amendments) and §916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania

Municipalities Planning Code and the requirements of this Ordinance.

- F. Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.
- H. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

1106 Zoning Hearing Board -- Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the provisions of this §1106. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (For the purposes of this section *Board* shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

1106.1 Notice of Hearings

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

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- C. Persons Given Notices - All notice under this sub-section should be intended to be received or posted at least five (5) days prior to the hearing date.
 - 1. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 - 2. Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
 - 3. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
- D. Adjacent Municipalities - In any matter which relates to a lot which lies within two hundred and fifty (250) feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent

municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of the Township to notify such municipality shall not invalidate any action by the Board.

- E. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

1106.2 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. (Note-Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
- B. The Board shall have power to require that all person who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

1106.3 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

1106.4 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

1106.5 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

1106.6 Communications Outside of Hearings

- A. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- B. The Board shall not take notice of any communications, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.

1106.7 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

1106.8 Hearings and Decision

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the Pennsylvania Municipalities Planning Code, as amended.

1106.9 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least seven (7) days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

1107 Variances

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

1107.1 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. **The applicant shall have the burden of proof to show compliance with such standards.** As of 1993, the Municipalities Planning Code provided that **all** of the following findings must be made, where relevant in a particular case:

- A. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located; and,
- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Such unnecessary hardship has not been created by the appellant; and,
- D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare; and,
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1107.2 Re-Application

The Zoning Officer shall refuse to accept a proposed application that is not materially or significantly different from an appeal on the same property that was denied by the Board within the previous year.

1107.3 Variance Conditions

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1107.4 Planning Commission Review of Variance Applications

- A. The Planning Commission shall be provided with an opportunity to review any proposed variance at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.
- B. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.

1108 Conditional Uses and Special Exceptions

1108.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §1108.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

1108.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §1108.4 and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.
- B. Procedure
 - 1. Submission - The applicant shall submit the application as follows:
 - a. Five (5) complete copies of any required plan shall be submitted to the Zoning Officer.
 - b. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.
 - 2. Distribution - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one (1) copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
 - 3. Zoning Officer Review - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
 - 4. Planning Commission Review
 - a. The Planning Commission shall be provided with an opportunity to review any proposed conditional use at a regular meeting prior to a decision by the Board of Supervisors. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
 - 5. Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in

accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended. In granting a conditional use, the Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1108.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in §1108.4.

A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

1. All applicants for a special exception use shall submit five (5) sets of plans for the proposed use to the Zoning Officer together with a written application. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
2. All plans shall contain the information required in §1108.6.
3. Township Procedures.
 - a. The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission and the Zoning Hearing Board solicitor. A minimum of one (1) copy shall be retained in the Township files.
 - b. The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
4. Planning Commission Review of Special Exception Uses.
 - a. The Planning Commission shall be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
5. Zoning Hearing Board Action on Special Exception Uses
 - a. The Board shall hear and decide such request for a special exception use under the procedures in §1106.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1108.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of the Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this Ordinance and all other ordinances of the Township.
- B. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. In reviewing an application, the following additional factors shall be considered:
 - 1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 - 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - 5. Adequacy of storm water and drainage facilities storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 - 6. Adequacy of water supply and sewage disposal facilities.
 - 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- E. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious

impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1108.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

1108.6 Information Required

The applicant shall supply the information required by §1102.3 of this Ordinance and evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1109 Time Limits on Permits

1109.1 Zoning Permit Following Conditional Use, Special Exception or Variance Approval

- A. Zoning Permit - After a variance is approved or a conditional or special exception approval is officially authorized under this Ordinance, then a Zoning Permit shall be secured by the applicant within twelve (12) months of such approval, otherwise, such approval shall be deemed null and void and the developer shall be required to submit another application for the same.
- B. Review Completion - If the applicant submits complete plans for a subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after such plan review is completed or such plan approval is granted.
- C. Extension - For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the 12-month application period in §1109.1 for an additional six (6) months.

1109.2 Completion - Applicable to All Zoning Permits

Any building construction or establishment of a use shall be completed within twelve (12) months of the issuance of the applicable zoning permit, unless a written extension is granted by the Zoning Officer for good cause. Otherwise, a permit shall be considered to have automatically expired at the end of such 12-month period.

1110 Mediation

Parties to proceedings authorized by this Ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

1111 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1111.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the PA Municipalities Planning Code.

1111.2 Temporary Permits

This 30 day time limit for appeal shall not apply to the revocation of a permit under §1102.5.

1112 Appeals to Court and Other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

1113 Public Utility Exemptions

See §619 of the PA Municipalities Planning Code.

1114 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1115 Amendments

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

1116 Violations

1116.1 Compliance

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance.

1116.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.

1116.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §1116.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §1116.3
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the municipality intends to take action.

2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- E. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

1117 Penalties and Remedies

1117.1 Causes of Action

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1117.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

1118 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

ARTICLE XII - FLOODPLAIN DEVELOPMENT STANDARDS

1201 General Provisions

1201.1 Intent

The intent of this Article is to meet the requirements of the National Flood Insurance Program and the Pennsylvania Flood Plain Management Act (Act 166-1978). More specifically, this Article contains all the provisions necessary to comply with the requirements of the National Flood Insurance Program as well as the requirements of Act 1978-166 and the regulations adopted by the Department of Community and Economic Development pursuant to that Act. These standards:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

1201.2 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within an identified floodplain area in the Township unless a permit has been issued by the Township in accord with this Ordinance.

1201.3 Abrogation and Greater Restrictions

This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

1201.4 Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

1202 Administration

1202.1 Permits Required; Special Exception in Floodway Areas

Permits shall be required before any construction or development is undertaken within any identified floodplain area in the Township.

1202.2 Issuance of Permit

- A. Conformance - A permit shall be issued only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. Other Permits - Prior to the issuance of any permit, the Township shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained. No permit shall be issued until this determination has been made.

1202.3 Application Procedures and Requirements

- A. Applications - Applications for permits shall be made, in writing, to the Zoning Officer on forms supplied by the Township, and shall contain the following:
 - 1. Name and address of applicant.
 - 2. Name and address of owner of land on which proposed construction is to occur.
 - 3. Name and address of contractor.
 - 4. Site location.
 - 5. Listing of other permits required.
 - 6. Brief description of proposed work and estimated cost.
 - 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. Required Information - If any proposed construction or development is located entirely or partially within or adjacent to any identified floodplain area, the applicant for a permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that a) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances; b) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided so as to reduce exposure to flood hazards.

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above determination:

- 1. A completed Permit Application Form.
- 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;

- e. the location of all existing streets, drives, and other access ways; and
 - f. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- a. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - b. the elevation of the one hundred (100) year flood;
 - c. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - d. detailed information concerning any proposed flood proofing measures.
4. The following data and documentation:
- a. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - b. detailed information needed to determine compliance with §1204.4, F, Storage, and §1204.5, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in §1204.4, F, and §1204.5, which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §1204.5 during a one hundred (100) year flood.
 - c. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - d. where any excavation of grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

1202.4 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Township to the County Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered by the Township for possible incorporation into the proposed plan.

1202.5 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area

to be considered for approval may be submitted by the Township to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

1202.6 Changes

After the issuance of a permit by the Township, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Township. Requests for any such change shall be in writing, and shall be submitted by the applicant to the Zoning Officer for consideration.

1203 Identification of Floodplain Areas

1203.1 Identification

The areas considered to be flood-prone within Orange Township shall be those areas being subject to the one hundred (100) year flood in the Flood Insurance Study (FIS) for Orange Township dated December 19, 1995, and the accompanying maps prepared for the Township by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof.

1203.2 Determination of the 100 Year Flood in FA (General Flood Plain) Areas

To determine the one hundred (100) year flood elevation for FA (General Flood Plain) Areas, the elevation at a given point on the boundary of the identified flood prone area(s) which is nearest the construction site in question shall be used. In helping to make this necessary elevation determination, as well as to determine a Floodway Area, other sources of data where available shall be used such as:

- A. Corps of Engineers - Flood Plain Information Reports
- B. U.S. Geological Survey - Flood Prone Quadrangles
- C. USDA, NRCS - County Soil Surveys (Alluvial Soils)
- D. Known Highwater Marks from Past Floods
- E. Other Sources

In lieu of the above, the Township may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers registered in Pennsylvania or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

1203.3 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

1203.4 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Board of Supervisors, with the recommendation of the Township Planning Commission, and any party aggrieved by this decision or determination may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.

1204 Technical Provisions

1204.1 General

- A. Watercourses - No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified., and until all required

permits or approvals have been first obtained from the Commonwealth. In addition, the Federal Insurance Administration and Pennsylvania Department of Community and Economic development shall notified prior to any alteration or relocation of any watercourse.

B. Floodway - Where a flood-prone area has been identified which includes a floodway area, the following provisions apply:

1. Within any designated floodway (FW) area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the effect of such proposed activity on flood heights is fully offset by accompanying improvements. No new construction or development shall be allowed unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterways Management.
2. Within any designated flood-fringe (FF) area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
3. Within any designated FA area, new construction and other development, uses and activities shall be allowed, provided that they are undertaken in strict compliance with the provisions contained in this Ordinance, as well as any other applicable codes, ordinances, and regulations.

1204.2 Elevation and Flood Proofing Requirement

A. Residential Structures

1. Within any FW, FF, or FA area, the lowest floor (including basement) of any new residential structure, shall be at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation.
2. Enclosures below the lowest floor (including basement) are prohibited.

B. Non-Residential Structures (other than detached garages and limited storage structures)

1. Within any FW, FF, or FA area, the lowest floor (including basement) of any new non-residential structure, except for detached garages or limited storage structures as provided hereafter, shall be at least one and one-half (1 ½) feet above the one hundred (100) year flood elevation or shall be designed and constructed to be completely or essentially dry in accord with the standards contained in the publication entitled "Flood proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect stating that the proposed design and methods of construction are in conformance with the above-referenced standards.
2. Enclosures below the lowest floor (including basement) are prohibited.

C. Detached Garages and Limited Storage Structures - A detached garage or other accessory structure which constitutes a minimal investment and which is used exclusively for parking or limited storage, which shall not include a basement, may have its lowest floor below the one hundred (100) year flood elevation subject to the following terms and conditions:

1. The usage of the structure shall be restricted to parking or limited storage;
2. The structure shall be built using unfinished and flood damage-resistant materials;

3. The structure shall be constructed and placed on the site so as to offer the minimum resistance to the flow of flood waters;
4. All mechanical and utility equipment must be elevated above the one hundred (100) year flood elevation or must be flood proofed;
5. The structure must be anchored to prevent flotation, collapse and lateral movement and must meet the openings requirement of Section 60.3(c)(5) of the National Flood Insurance Program Regulations;
6. The structure must comply with the floodway encroachment standards set forth §1204.1,B,1.

1204.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill - If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - sanitary landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Township; and,
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner in accord with all applicable Township storm water control requirements. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Sanitary Sewer Facilities

1. All new or replacement sanitary sewer facilities and systems, and private package sewage treatment plants (including all pumping stations and collection systems), shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters into the systems and discharges from the systems into flood waters.
2. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Water Facilities - All new or replacement water facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters into the systems.

E. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Utilities - All utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

- G. Storage - All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in §1204.5, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
- H. Placement of Buildings and Structures - All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- I. Anchoring
1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
 3. All liquid fuel tanks having a capacity of one hundred (100) gallons or more and all gaseous fuel tanks having a capacity of one hundred (100) pounds or more shall be securely anchored to prevent flotation. All vent and filter pipes shall extend at least one and one half (1 ½) feet above the established flood elevation where the tank is located. This section shall apply to existing tanks having the capacities set forth above and to such tanks installed after the date of enactment of this ordinance.
 4. All sheds or similar structures having dimensions in excess of one hundred (100) square feet shall be securely anchored to prevent flotation.
- J. Floors, Walls and Ceilings
1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
- K. Paints and Adhesives
1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
 2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 3. All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall

be finished with a "marine" or "water-resistant" paint or other finishing material.

L. Electrical Systems and Components

1. Electric water heaters, furnaces, air conditioning and ventilating units, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
3. Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing

1. Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.
3. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

1204.4 Special Requirements for Manufactured Homes

- A. All manufactured homes, including those which have incurred substantial damage as the result of a flood, and any improvements thereto, shall be:
 1. Placed on a permanent foundation.
 2. Elevated so that the lowest floor of the manufactured home is one and one-half (1 ½) feet or more above the one hundred (100) year flood elevation.
 3. Anchored to resist flotation, collapse, or lateral movement.
- B. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate Township officials for manufactured home parks and manufactured home subdivisions where appropriate.
- C. No manufactured homes shall be placed in any designated floodway area.

1204.5 Development Which May Endanger Human Life

- A. In addition to the other applicable provisions of this Zoning Ordinance, the provisions of this §1204.5 shall apply to any type of development or activity which:
 1. will be used for the production or storage of any of the dangerous materials or substances listed §§B below; or,
 2. will be used for any activity requiring the maintenance of a supply of more than five hundred and fifty (550)

gallons, or other comparable volume, of any of the dangerous materials or substances listed in §§B below on the premises; or,

3. will involve the production, storage, or use of any amount of radioactive substances

B. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.
19. Any other substance as determined by the Township

C. Within any FW (Floodway Area), any development or activity of the kind described in §§A., above, shall be prohibited.

D. Within any FA (General Floodplain Area), any development or activity of the kind described in §§A, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

E. Where permitted within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any development or activity of the kind described in §§A, above, shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the one hundred (100) year flood and,
2. designed to prevent pollution from the development or activity during the course of a one hundred (100) year flood.

Any such development or activity, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

1204.6 Hospitals, Nursing Homes, Jails or Prisons, and Manufactured Home Parks

Within any identified floodplain area, the construction or substantial improvement to any hospital, nursing home, jail, prison or manufactured home park shall be prohibited:

1205 Existing Structures in Identified Floodplain Areas

1205.1 Existing Structures

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §1205.2 shall apply.

1205.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

1206 Variances

Requests for variances shall be considered by the Township Zoning Hearing Board in accord with Article XI of this Zoning Ordinance and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity that would violate any provisions of §1204.4, Special Requirements for Manufactured Homes, §1204.5, Development Which May Endanger Human Life, or §1204.6, Hospitals, Nursing Homes, Jails or Prisons and Manufactured Home Parks.
- C. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- D. In reviewing any request for a variance, the Zoning Hearing Board shall consider that the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- E. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted shall be included in the required reports to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the hydrostatic and hydrodynamic loads and pressures, effects of buoyancy, and other forces associated with the one hundred (100) year flood.

1207 Definitions

The following definitions shall be specifically applied to this Article XI and shall supplement the definitions contained in Article III of this Zoning Ordinance.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building: A combination of materials to form a permanent structure having walls and a roof, including manufactured homes and trailers to be used for human habitation.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Development: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Essentially Dry Space: A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

Flood: A temporary inundation of normally dry land areas.

Flood-Fringe Area: That portion of the flood plain outside of the floodway area.

Flood Plain: See definition of flood-prone area.

Flood-Prone Area: A relatively flat or low land area which is subject to partial or complete inundating from an adjoining or nearby stream, river or water course; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway Area: The channel of a river or watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

Land Development: (1) A subdivision of land; (2) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home: A transportable, single family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and construct so that it may be used with or without a permanent foundation. The term includes recreational vehicles, travel trailers, park trailers and other similar vehicles which are placed on a site for more than one hundred eighty (180) consecutive days.

Manufactured Home Park: A parcel of land under single ownership which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Manufactured Home Park: A parcel of land which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep; but not including any addition, change, or modification in construction, exit facilities or permanent fixtures or equipment.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of the original floodplain management regulations adopted by Orange Township and includes any subsequent improvements to such structures.

Obstruction: Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water

One Hundred Year Flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has one [1] percent chance of occurring each year, although the flood may occur in any year).

Recreational Vehicle: A vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable without a special permit by a light-duty truck or passenger automobile; (4) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half (1 ½) feet.

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

Substantial Damage: Damage from any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**ARTICLE XIII
ADOPTION**

This Ordinance ordained and enacted this ____ Day of _____, 2003, by the Board of Supervisors of Orange Township, Columbia County, Pennsylvania, to be effective immediately.

Chairman

Supervisor

Supervisor

ATTEST:

Township Secretary