

ROSS TOWNSHIP

MONROE COUNTY, PENNSYLVANIA

ZONING ORDINANCE COMPILATION

June 1, 2015

Amended October, 2017

Amended February, 2022

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**ARTICLE 1
ADMINISTRATION**

101. APPLICABILITY OF THIS ORDINANCE.

This Zoning Ordinance shall apply throughout the Township of Ross. Any activity regulated by this Ordinance shall only occur in such a way that conforms to the regulations of this Ordinance. See §103.A.

102. PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.

This Ordinance is hereby adopted:

- A. In accord with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
- B. In accord with the goals and objectives of the Comprehensive Plan and the County Comprehensive Plan.
- C. To carry out the following major objectives:
 - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
 - 2. to minimize disturbance of creek valleys and steep woodlands,
 - 3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
 - 4. to protect the quality of groundwater and surface waters,
 - 5. to encourage the continuation of farming,
 - 6. to promote compatibility between land uses,
 - 7. to seek coordinated development and roads across municipal borders,
 - 8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 - 9. to promote development that retains the rural character of the Township,
 - 10. to encourage rehabilitation and avoid demolition of historic buildings,
 - 11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
 - 12. to coordinate development with future central water and sewage service areas,
 - 13. to direct industrial development to locations that will minimize conflicts with homes,
 - 14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes, and
 - 15. to promote new commercial and industrial development in appropriate areas that will provide additional tax revenue and job opportunities.

103. PERMITS AND CERTIFICATES.**A. Applicability.**

1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Erection, construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,
 - c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.
2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff.
 - a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - (1) Erection, construction, movement, placement or expansion of a structure, building or sign,
 - (2) Change of the type of use or expansion of the use of a structure or area of land,
 - (3) Creation of a new use or a new lot, and/or
 - (4) Demolition of a building.
 - b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may use a single or separate application for the permits.
3. Certificate of Use and Occupancy.
 - a. It shall be unlawful to use, change the use of and/or occupy any new principal building for which a Zoning Permit is required until a certificate of use and occupancy for such activity has been issued by the Township Staff. (Note - A certificate of use and occupancy may also be required in additional situations under any applicable Building Code.)
 - b. The Township Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
 - c. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the Certificate until there is compliance with other Township ordinances and with other applicable provisions of law.
 - d. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
 - e. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
 - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A six-month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.

(4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.

(5) See also §103.G.

B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Township Building Code may be needed for such work.)

C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Ordinance.
2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall only be issued by the Zoning Officer after a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Uses. A permit under this Ordinance for a Conditional Use shall only be issued by the Zoning Officer after a written approval by the Board of Supervisors following a hearing.

D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff person.
2. Site Plan. The applicant shall submit a minimum of two (2) copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of three (3) or more parking spaces. The site plan shall be drawn to scale and show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks, and
 - f. locations of well, septic system, alternate septic system (if required) and isolation distances between wells and septic systems.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,

- c. a description of the proposed use of the property,
- d. all other applicable information listed on the official Township application form, and
- e. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.

4. Submittals to the Board. In addition to the information listed in part “3.” above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

- a. the present zoning district and major applicable lot requirements,
- b. for a non-residential use:
 - (1) a description of the 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.
 - (2) a list of the maximum hours of operation,
- c. the existing directions of storm water flow (and any proposed revisions), and any proposed methods of storm water management,
- d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
- e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as “drug store” or “single family detached dwelling”),
- f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
- g. name and address of person who prepared the site plan,
- h. signed acknowledgement of the site plan by the applicant, and
- i. such additional information required under applicable sections of this Ordinance.

5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of “landowner” in Article 2).

6. Plan Preparer. If an application involves a new principal non-residential building or an expansion of a non-residential building by more than 3,000 square feet, or the development of 10 or more new parking spaces, the site plan shall be prepared and signed by a Professional Engineer, Registered Surveyor, Registered Landscape Architect or Registered Architect.

E. Issuance of Permits.

- 1. Copy - At least one (1) copy of each permit application and any other zoning approval shall be retained in Township files.
- 2. PennDOT Permit. Where necessary for access onto a State road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code.

G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events provided that:
 - (1) only an IRS-recognized tax exempt charitable organization, a Township recognized emergency services organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall be limited to a maximum of 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities, and
 - (3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
 - c. A Temporary Permit may be issued for such other activities that the applicant proves to the Zoning Officer are clearly routine, customary, temporary and not in conflict with existing uses within the vicinity.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided for in §103.G.1.a.(1), and except for agricultural sales allowed by §306, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - a. The property is located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Township.

- c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.
 - e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
 - f. Any structure shall meet applicable minimum setbacks.
 - g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
 - h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
- H. Compliance with Township Subdivision and Land Development Ordinance. If an application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance (“SALDO”), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of “Land Development” and “Subdivision” in the SALDO. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

104. GENERAL PROCEDURE FOR PERMITS.

- A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. INTERPRETATION AND USES NOT REGULATED.

- A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.
- B. Uses Not Specifically Regulated. This §105.B addresses by special exception a proposed use which is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and which is not permitted in a zoning district in another participating municipality by intermunicipal agreement in accord with §306.A of this Ordinance.
 - 1. Jurisdiction. Whenever an application is made to the Zoning Officer for such a use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
 - 2. Findings. The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:
 - a. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.

- b. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 - c. The use is not permitted in any other zoning district in the Planning Area.
 - d. The use where proposed would be consistent with the Ross Township Comprehensive Plan.
3. Planning Commission and Regional Planning Committee Review. At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission and the Regional Planning Committee for review and recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until thirty (30) days have passed from the time the application was referred to the Township Planning Commission and the Regional Planning Committee.
4. Conditions. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this 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.
- C. Interpretation of Ordinance Text and Boundaries.
- 1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
 - 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See §111.
- D. Undefined Terms/Interpretation of Definitions. See §201.
- E. Interpretation of Zoning Boundaries. See §304.

106. ENFORCEMENT, VIOLATIONS AND PENALTIES.

All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference.

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
- 1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
 - 2. Placement of false statements on or omitting relevant information from an application for a zoning permit.
 - 3. Undertaking any action in a manner which does not comply with a zoning permit.
 - 4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.
- B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

- C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference.
1. Enforcement Action. If the enforcement notice is not complied with within the time period stated in the notice, the Zoning Officer shall notify the Board of Supervisors. The Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a District Magisterial Judge.
 2. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Magisterial Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Magisterial Judge determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Magisterial Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.
 3. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
- E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

107. FEES.

A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.

108. AMENDMENTS TO THIS ORDINANCE.

Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

109. CURATIVE AMENDMENTS.

A landowner or the Board of Supervisors may use the "curative amendment" provisions of the State Municipalities Planning Code.

110. ZONING OFFICER.

- A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors. The Zoning Officer may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Such designations may be subject to concurrence by the Board of Supervisors. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
1. Administer the Zoning Ordinance in accord with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
 2. Conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
 3. Keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 4. Review proposed subdivisions and land developments for compliance with this Ordinance; and
 5. Take enforcement actions as provided by the State Municipalities Planning Code, as amended.

111. ZONING HEARING BOARD ACTIONS AND VARIANCES.

- A. Membership of Board.
1. Members. The Zoning Hearing Board shall consist of three (3) residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being five (5) years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.
 2. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code.
- B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply.
- D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in §111.E.
 2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply.
 3. Variance.

- a. Filing. The Board shall hear requests for variances filed with the Township Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of State law. (Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - (1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;
 - (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;
 - (3) Such unnecessary hardship has not been created by the appellant;
 - (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - (5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)
 - c. Conditions. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
4. Special Exception.
- a. Filing. The Board shall hear and decide requests for all special exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See §116.
 - b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
5. Persons with Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board may grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are necessary to provide a “reasonable accommodation” under applicable Federal law to serve persons who the applicant proves have “disabilities” as defined in and protected by such laws.
- a. Such reasonable accommodations shall be requested in accord with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.

6. Other Matters. The Zoning Hearing Board shall also hear any other matters as set forth in the Municipalities Planning Code, as amended.
- E. Time Limits for Appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply.
- F. Stay of Proceedings. The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply.
- G. Time Limits on Permits and Approvals.
1. After a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.
 2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
 3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void.
- H. Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

112. ZONING BOARD HEARINGS AND DECISIONS.

The procedures and requirements of the State Municipalities Planning Code, as amended, shall apply to notice, conduct and decisions for hearings before the Zoning Hearing Board.

113. APPEALS TO COURT.

The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply.

114. LIMITED PUBLIC UTILITY EXEMPTIONS.

See the provisions of the State Municipalities Planning Code, as amended.

115. LIMITED TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.

The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to uses or structures owned by Ross Township or by a municipal authority created solely by Ross Township for uses and structures that are intended for a public utility, storm water or public health and safety purpose.

116. SPECIAL EXCEPTION USE PROCESS.

- A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- B. Special Exception Procedure.
1. A site plan shall be submitted, which shall contain the information required in §103.D. If a fully engineered subdivision or land development plan will be required, such details may be submitted separately after a special exception is approved, if the Zoning Hearing Board determines such information is not necessary to the granting of the Special Exception.

2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
 3. The Zoning Hearing Board shall follow the procedures provided in §112.
 4. The Township Staff shall offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Planning Commission has provided comments.
- C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accord with standards established by this Ordinance, including the following:
1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 2. Compliance with Other Laws. The approval may be conditioned upon compliance with other applicable Township, state and federal ordinances, statutes and regulations. The Board may require an applicant to prove that certain of these requirements will be met prior to issuance of a building permit, certification of occupancy and/or recording of an approved plan.
 3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner, after considering any improvements proposed to be made by the applicant.
 4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. Neighborhood. The proposed special exception shall not substantially harm any surrounding residential neighborhood, after considering any safeguards or limitations proposed by the applicant.
 6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this Ordinance.

117. LIABILITY.

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- B. 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.

**ARTICLE 2
DEFINITIONS****201 RULES OF CONSTRUCTION AND TERMS, PHRASES AND WORDS NOT DEFINED.**

- A. Rules of Construction. The following rules of construction shall apply to this Ordinance:
1. 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 2, except where there is indicated in context different meaning.
 2. The particular shall control the general.
 3. The word *shall* and *must* are mandatory and not discretionary. The word *may* is permissive.
 4. 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.
 5. The phrase *used for* includes *arranged for, designed for, intended for, and/or occupied for*.
 6. The word *person* includes *individual, profit or non-profit organization, partnership, company, unincorporated association, corporation, or other similar entities*.
- B. Terms, Phrases and Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

202 DEFINITIONS.

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

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

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

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

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

Accessory Structure (includes Accessory Building) - A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not

limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

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

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

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

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

Adult Business - Any of the following:

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

Additional definitions associated with *adult business* include:

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

Adult Bookstore or Adult Video Store - A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any 1 or more of the following: (The term *adult bookstore* shall include, but not be limited to, an *adult video store*, and all such uses shall be considered an *adult business* for regulation by this Ordinance.)

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified*

anatomical areas; or

- B. Instruments, devices or paraphernalia which are designed for use in connection with *specified sexual activities*.

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

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

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

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

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

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

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

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

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

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

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

Nude Model Studio - Any place where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Considered an *adult business* for regulation by this Ordinance. Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall not be considered a *nude model studio*:

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

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

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

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

Specified Anatomical Areas - Any of the following:

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

After-Hours Club - A use that permits the consumption of alcoholic beverages by five (5) or more unrelated persons

between the hours of 2:00 a.m. and 6:00 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

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

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

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

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

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

Airport, Local - An airport that: 1) only serves propeller driven aircraft with a maximum gross weight of 12,500 pounds, 2) does not have regularly scheduled passenger flights, 3) is limited to use by the licensee and members of a partnership/organization/corporation, 4) is not open to the general public, and 5) meets the additional requirements for a Local Airport in §402.B.

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

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

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

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

Animal Hospital – See *veterinary clinic*.

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

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

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

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

Apartment - See *dwelling, apartment unit*.

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

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

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

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

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

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

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

Attic - Non-living space in or above a dwelling unheated with head space of less than six and one-half (6.5) feet.

Auction House - A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

Awning - A secondary covering attached to the exterior wall of a building, typically composed of canvas, woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, located above a window, door, or above the area along a sidewalk.

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

the transmission of funds.

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

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

Billboard – See *sign, off-premises*.

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

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

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

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

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

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

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

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

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

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

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

Building, Accessory - See *accessory structure*.

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

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

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

Building Envelope - An area on a lot or development parcel which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and shall be specifically designated on the development plan and established by deed covenants and restrictions.

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

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

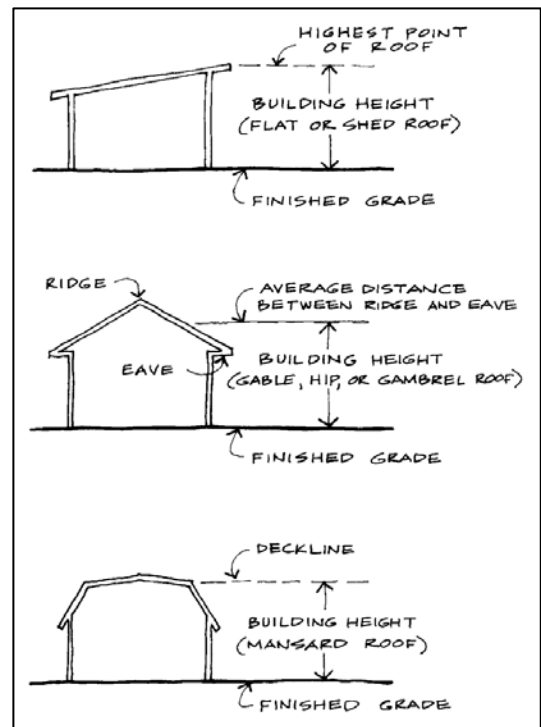
Building, Principal - A building in which the primary or predominate use of a lot is conducted including any structure that is physically attached to the principal building

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

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

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

Bus Station - An area and/or building where passengers load on and unload from buses, and where parking for passenger



Building Height

vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.

Business Office - A use comprised primarily of administrative and clerical services and involving no retail trade, lodging, warehousing or manufacturing. Such uses include, but are not limited to, financial services, legal services, travel agencies, insurance agencies, corporate offices and other similar uses.

Business Services - Establishments primarily engaged in rendering services to businesses including such activities as advertising and mailing, credit reporting and collection, duplicating, mailing, telemarketing, stenographic services, employment services, research and development and other similar services.

Camp/Retreat - A parcel or parcels of land with lodging facilities where transient clientele participate in organized recreation, receive instruction or training, or are afforded peace, quiet, privacy or security.

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

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

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

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

Car Wash - Any building or premises or portions thereof used for commercial purposes for washing motorcycles, passenger cars and other two-axle, four-tire, single-unit vehicles without trailers.

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

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

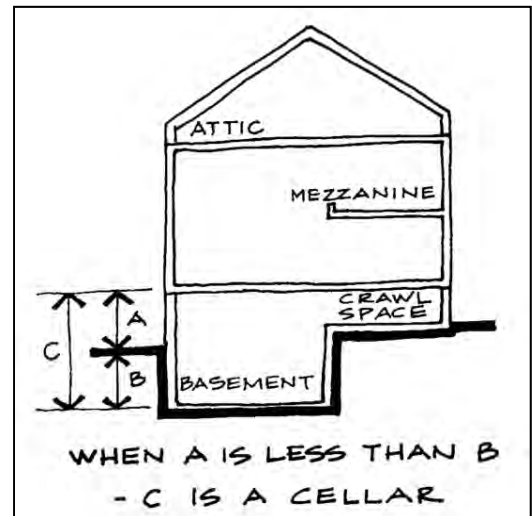
Certificate of Use/Occupancy - A document issued by the Township stating that a newly constructed or altered building, structure, and/or use complies with this Ordinance and/or the Uniform Construction Code and may be lawfully used.

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

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

Church - See *place of worship*.

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



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

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

Club/Lodge, Private - An area of land or building used by a nonprofit civic, social, fraternal, recreational, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities usually with the payment of fees and dues, regular meetings, and a charter and bylaws, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. A *club/lodge private* shall not include commercial recreation clubs such as tennis or racquetball clubs or any other use which is specifically defined by this Ordinance.

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

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

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

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

Commercial District - The VC Village Commercial/Residential and GC General Commercial Zoning Districts.

Commercial Use - An occupation, employment, or enterprise carried on for profit by the owner, lessee, or licensee. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

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

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.

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

Community Association - See *property owners association*.

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

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

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

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

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

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

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

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

Conservation Area, Primary - Those areas of a development tract included in conservation open space and which are comprised of primary resources on which development is minimized.

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

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

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

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

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

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

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

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

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

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

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

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

County - The County of Monroe, Commonwealth of Pennsylvania.

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

Coverage, Lot - See *lot coverage*.

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

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

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

Crusher Plant - An operation which processes minerals or other materials and crushes them to various sizes for the purpose

of resale or use. Considered *industry* for regulation by this Ordinance.

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

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

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

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

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

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

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

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

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

Detached Building - See *building, detached*.

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

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

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

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

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

Development Sales Office - Any structure erected within the confines of a subdivision for use by the owner or developer of the subdivision as an office on a short-term basis for the promotion of sales of real estate exclusively within the confines of

the subdivision, with ultimate use of the structure in conformance with the standards applicable in the district in which the structure is located.

Distribution Center/Truck Terminal - An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials, including transshipment by boat, rail, air or motor vehicle. Breakdown of large orders from a single source into smaller orders and consolidation of several orders into one large one for distribution to several recipients and vice versa are often part of the operation. The operation may include the storage or parking of trucks awaiting cargo as well as facilities for servicing of trucks. Storage facilities, such as warehouses, incidental to the principal use may also be part of the operation. Retail sales, manufacturing and assembly, or product processing, are not considered part of a *distribution center/truck terminal*.

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

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

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

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

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

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

Dump - See *solid waste landfill*.

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

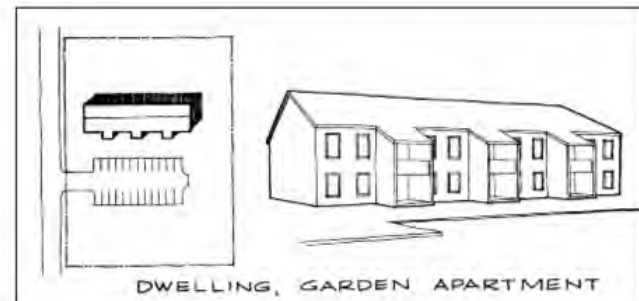
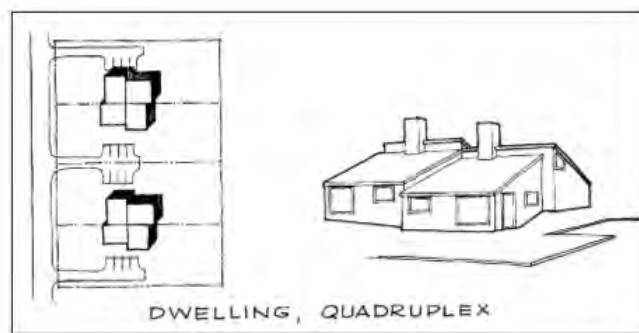
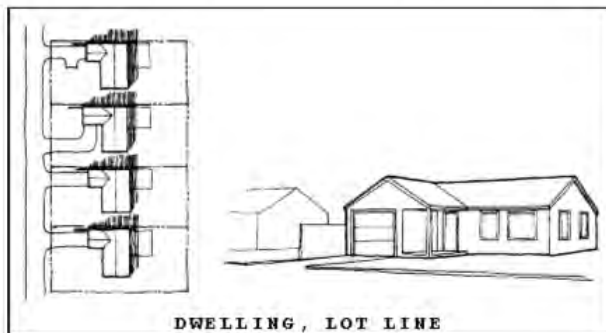
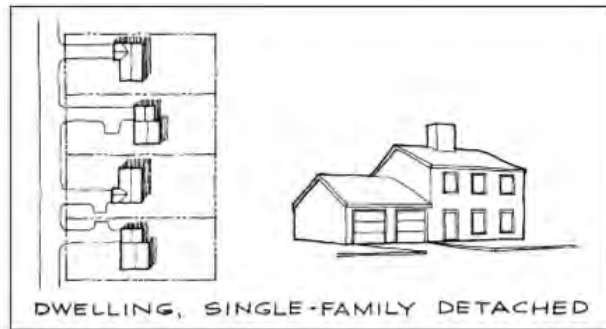
Dwelling, Apartment Unit - One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.

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

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

- A. Single-family Attached/Townhouse - A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire resistant walls.
- B. Garden Apartment Building - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.

- C. Apartment Building - A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than 2.5 stories but not exceeding the height limitations (in feet) of this Ordinance.
- D. Residential Conversion to Apartment - The conversion of an existing single family detached dwelling into three to five dwelling units.



Dwelling, Quadruplex - Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

Dwelling, Single-Family Detached - A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Two-Family - A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

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

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

Easement - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Emergency Services Station - A building for the housing of fire, emergency medical or police personnel and equipment and for related activities and which may, as an accessory use, include housing for emergency personnel while on-call. Considered a *semi-public building or use* for regulation by this Ordinance.

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

Encroachment - Construction of any building, structure or any obstruction or illegal or unauthorized intrusion within the boundaries of any adjacent land, right-of-way street, setback, watercourse or public or reserved ground shown or laid out on any official map, Township approved plot plan or in violation of any provision of set forth in this Ordinance.

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

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

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

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

Family -

- A. A person living alone or any of the following groups living together as a single, stable, non-transient, non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:
 - (1) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
 - (2) Three (3) unrelated people;
 - (3) Two (2) unrelated people and any children related to either of them;
 - (4) Not more than six (6) people who are residents of a *group home* meeting the requirements of §402.S.
 - (5) Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a *functional family*) pursuant to §402.Q.
- B. The definition of a *family* does not include:
 - (1) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
 - (2) Any group of individuals whose association is temporary or seasonal in nature;
 - (3) Any group of individuals who are in a group living arrangement as a result of criminal offenses; and
 - (4) Any person or group of individuals occupying in whole or in part, a building or portion thereof as Short-Term Rental.

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

Farmer's Market - The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

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

Financial Institution – See *bank*.

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

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

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

Flood (and related definitions) – See Article 10.

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

Floor Area, Habitable - That portion of the gross floor area within a building having a distance between floor and ceiling of at least seven feet for residential structures and at least 7 ½ feet for nonresidential structures, and not including garage or accessory building space.

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

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

Fraternity or Sorority House - A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members currently enrolled and their guests or visitors and affiliated with an institution of higher learning.

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

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

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

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

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

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

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

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

Garage Sale - See *yard sale*.

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

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

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

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

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

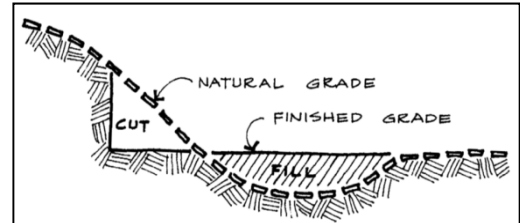
Golf Driving Range - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreation facility, commercial* for regulation by this Ordinance.

Governing Body - The Board of Supervisors of Ross Township.

Grade - The average finished ground elevation adjoining a building.

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

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



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

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

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

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

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

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

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

- A. Involves the care of the maximum number of persons permitted by the *group home* standards of §402.S 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, age, mental impairment or other handicap* as defined by applicable Federal law.
- D. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

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

Group Home, Institutional - A use that would otherwise meet the definition of *group home* but which includes more than the permitted number of residents specified in §402.S.

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

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

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

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

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

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

Height, Building - See *building height*.

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

Helistop - A heliport without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment limited to a maximum total of 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.

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

Home Occupation, Light - See §403.D.12.b.

Homeowners Association - See *property owners association*.

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

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

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

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

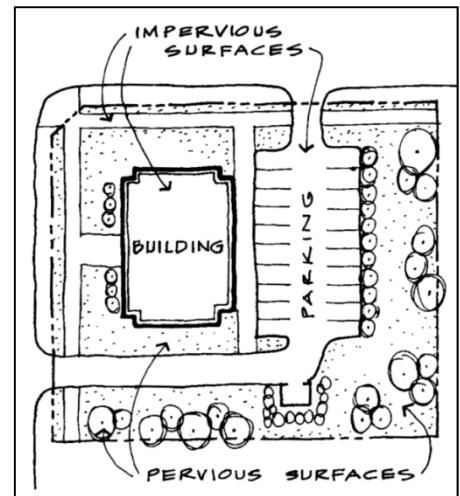
Hunting/Fishing Clubs or Camps - Land and/or a stream or body of water and adjacent area on any bank thereof, owned or leased by a person or group of persons duly formed as a club, used principally for hunting/fishing, open only to members and guests and involving no buildings other than those for lodging,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

Hydraulic Fracturing Water Withdrawal Facility - A facility immediately adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle to a natural gas well for the purpose of hydraulic fracturing.

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

Improvements - See *development improvements*.

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



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

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

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

Junk shall not include:

- A. Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.
- B. Agricultural vehicles and implements such as tractors, mowers, etc., for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
- C. Construction and contractor's equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

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

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes not in habitable condition.

Kennel - Any of the following:

- A. Any commercial establishment where dogs, cats, or other household pets are housed or boarded and where grooming, breeding, training, or selling of animals may be conducted.
- B. As defined by the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement: pet shop kennels, dealer kennels, rescue network kennels, research kennels, boarding kennels, nonprofit kennels and commercial kennels.
- C. Any veterinary clinic with outdoor animal runs.
- D. The noncommercial keeping of four (4) or more dogs that are more than six (6) months of age.

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

Land Development

A. Any of the following activities:

- 1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,
 - b. 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.
- 2. A subdivision of land.

B. The following are examples of applications that shall be considered a land development:

1. A new principal building intended to be occupied by a commercial, institutional, industrial or other nonresidential use.
2. The division of an existing building into a dwelling and a principal commercial use, or two or more commercial uses.
3. A mobile home park.
4. An apartment building.

C. The definition of "land development" shall not include the following:

1. The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
3. The addition of conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subsection, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

Landfill - See *solid waste facility*.

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

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

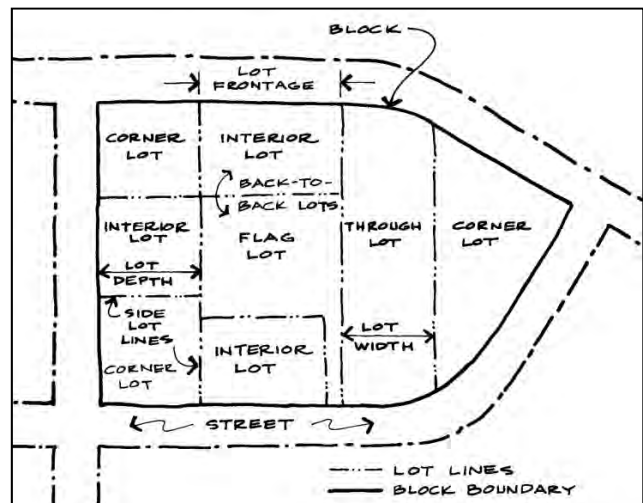
Livestock - Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals.

Livestock Operation - See *animal husbandry*.

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

Long-Term Residency - See *residency, long term*.

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

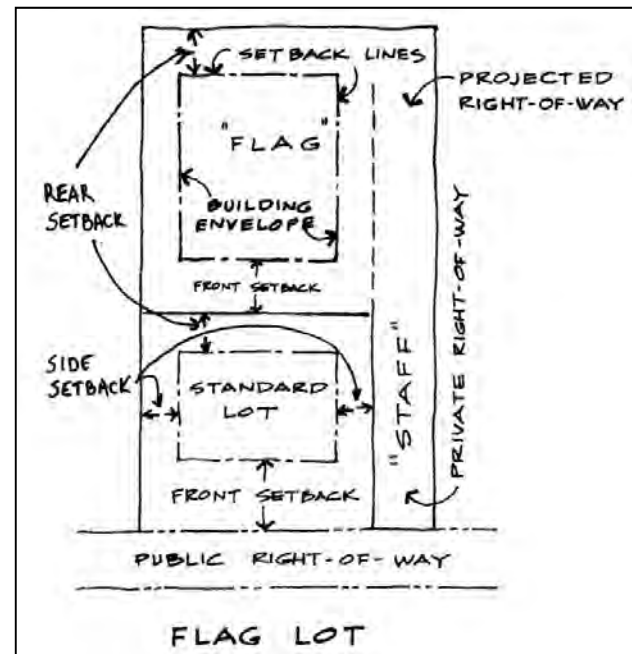
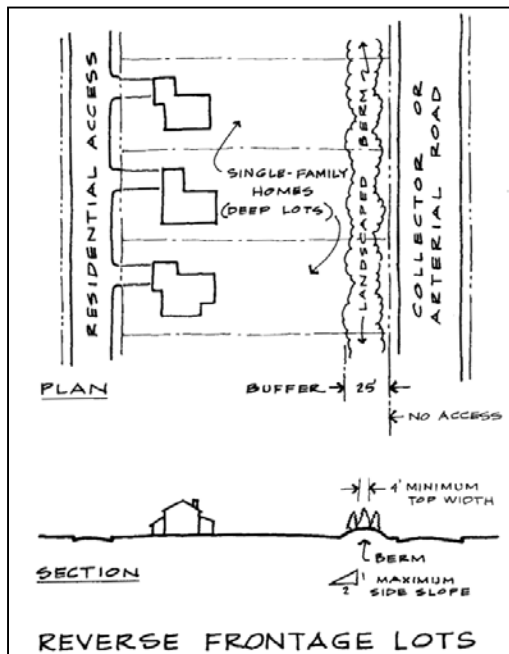


Lot, Corner - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of one hundred thirty-five (135) degrees.

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

Lot, Flag - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. New flag lots are permitted in accordance with the requirements of Sections 1022.B, C and D of the Subdivision and Land Development Ordinance.

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



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

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

Lot Area, Gross - The total area within the property or lot lines measured in acres or square feet; the gross area. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms.

Lot Area, Minimum Required - The horizontal land area contained within the property lines of a lot, measured in acres or square feet, determined by deducting the following areas of constrained land from the total lot size:

- A. Existing and Proposed Rights-of-Way and Easements: multiply the acreage of land within the rights-of-way of existing and proposed streets and utilities and existing and proposed easements for street widening by 1.00.
- B. Conservation Easements: multiply the acreage of land under conservation easement that are restricted from further development by 1.00.
- C. Floodway: multiply the acreage within the floodway by 1.00. (If not mapped by FEMA assume 50 feet each side of top-

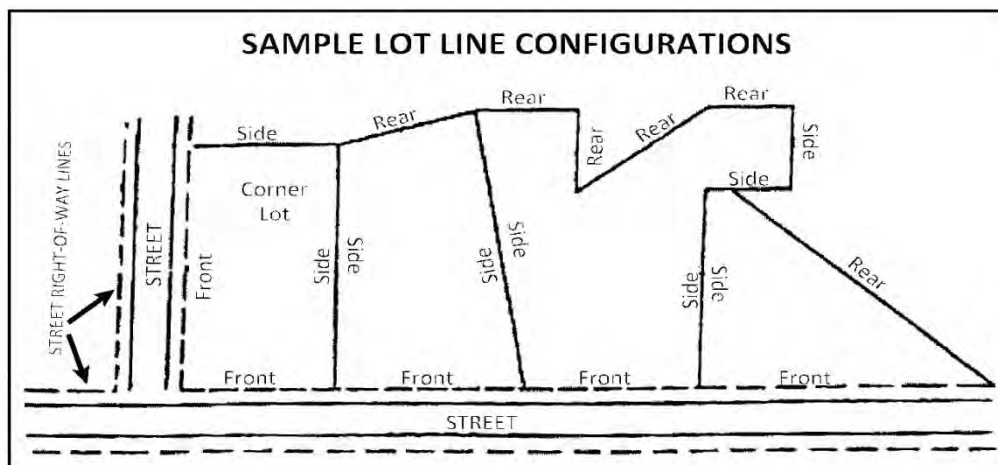
of-bank of stream.)

- D. 100-Year Floodplain: multiply the acreage within the 100-year floodplain by 1.00. (If not mapped by FEMA area is included in floodplain above.)
- E. Wetlands: multiply the acreage of wetlands determined by a delineation by 0.50.
- F. Prohibitive Steep Slopes: multiply the acreage of all slopes 25 percent or greater by 0.50.
- G. Precautionary Steep Slopes: multiply the acreage of all slopes 15 percent to less than 25 percent by 0.10.
- H. Ponds, Lakes and Streams: multiply the acreage of ponds, lakes and streams to the high water mark by 1.00.

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.

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

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



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

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

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

Lumbering – See *forestry*.

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

Manufactured Home Sales - See *vehicle and equipment sales operation*.

Manufacturing, Light - Facilities involving generally unobtrusive processes carried on entirely within a fully enclosed building and not resulting in the non-incident storage of hazardous materials or the generation of hazardous waste products, or other environmentally hazardous processes. Light manufacturing includes, but is not limited to:

- A. Grain storage, distribution, processing and milling operations.
- B. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, stones, and electronic components.
- C. Research, engineering or testing laboratories.
- D. Textile and clothing manufacturing.
- E. Furniture or other wood products production.

Light manufacturing does not include:

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

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

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

- A. Massages are conducted for a fee, tip or other consideration; and,
- B. The person conducting the massage is licensed by the Commonwealth of Pennsylvania as a health care professional or a therapeutic massage therapist, or is certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized therapeutic massage organization that requires substantial professional training.
- C. The establishment does not meet the definition of *massage parlor*.

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

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

Menagerie - A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or

educational purposes with or without charge.

Micro-Brewery - A facility for the production, packaging and sampling of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than fifteen thousand (15,000) gallons of malt beverages per year.

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

Mineral Extraction - The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, and subsurface mining) of minerals as defined in this Article 2 and including the incidental screening, washing, crushing and grading of materials originating on the site. Mineral extraction shall not include:

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

Mineral Processing - The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to,, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products. *Mineral processing* is considered *industry* for the purposes of regulation by this Ordinance.

Mini-Mart - See *convenience store*.

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

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

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

Model Home - Any structure erected for use as a display to promote the sale of similar residential structures, which may be

used on a short-term basis as an office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. (See also *sample home*.)

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

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

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

Municipality – Ross Township, Monroe County, Pennsylvania.

Natural Gas Processing Plant - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas. A *natural gas processing plant* is considered *industry* for the purposes of regulation by this Ordinance. (See also *pipeline compressor station, metering station or operation/maintenance facilities*.)

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

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

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no other employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity shall not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- H. The business shall not involve any illegal activity.

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

Nonconforming Structure - A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See §805.

Nonconforming Use - A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See §805.

Nonresidential District - The VC Village Commercial/Residential and GC General Commercial Zoning Districts.

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

Nursing Home - See *personal care home*.

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

Office Building - A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity it may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and day care facilities.

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

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

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

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

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

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

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

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

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

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

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

PA - The Commonwealth of Pennsylvania.

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

PA DOT or PennDOT - The Pennsylvania Department of Transportation.

Parcel - See *lot*.

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

Park and Ride Facility - A parking lot designed for drivers to leave their cars and share a ride with another driver or use mass transit facilities beginning, terminating, or stopping at or near the park-and-ride facility.

Parking Area - Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of public streets. See *garage*.

Parking Area, Private - A parking area for the exclusive use of the clients, customers or owners of the lot on which the parking area is located or whomever else they permit to use the parking area.

Parking Area, Public - A parking area available to the public, with or without payment of a fee.

Parking Space, Off-Street - A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

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

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

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

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

- A. Zoning Permit - Indicates that a proposed use, building or structure as documented in the development application will comply with the requirements of this Ordinance. Issued by the Zoning Officer for principal permitted uses, accessory uses and signs following confirmation of compliance with applicable standards, for conditional uses following approval by the Board of Supervisors, and for special exceptions following approval by the Zoning Hearing Board.
- B. Building Permit or Construction Permit - Issued by the Building Code Official and indicates that a proposed construction, alteration, or reconstruction of a structure will comply with the Township construction code.

Person - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Personal Care Home - A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully-skilled nursing care of three (3) or more persons needing such care because of age or a physical illness or disability or a developmental disability.

Personal Service – See *service establishment*

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

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

Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities - A facility at which a petroleum product passing through a pipeline is pressurized by a turbine, motor, or engine, the volume of flow is measured or permanent facilities are installed for pipeline operation/maintenance and which compress, decompress, process, heat, dehydrate, alter or transform the pipeline product. The facility may contain some type of liquid separator consisting of scrubbers and filters that capture any liquids or other undesirable particles from the pipeline. The definition also includes utility transfer stations which are owned, operated and maintained by the local natural gas utility and mark the point at which it assumes official control of the gas. The definition excludes pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product.

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

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

Plan - A map of a subdivision or land development and accompanying notations.

- A. Sketch Plan - An informal plan, identified with the title "Sketch Plan" on the map, indicating the general layout of the proposed subdivision or land development.
- B. Preliminary Plan - A complete plan identified with the title "Preliminary Plan" accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
- C. Final Plan - A complete and exact plan identified with the title "Final Plan" including the plan prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements.

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

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

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

Primary Resources - See *resources, primary*.

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

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

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

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

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

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

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

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

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

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

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

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

competition; or, any course where animals are raced for competition.

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

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

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

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

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

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

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

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

Regional Comprehensive Plan: See *comprehensive plan*.

Regional Use - A specific land use which is permitted within the Planning Region consistent with the Regional Comprehensive Plan and specifically identified in §306.A.4.

Related or Relative - See *family*.

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

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

Repair Service - Shops for the repair of appliances, watches, guns, bicycles and other household items. Considered a *service establishment* for regulation by this Ordinance.

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

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

Residential District - The CR Conservation Residential, SC Special Conservation, RR Rural Residential, R1 Low Density Residential and R2 Medium Density Residential Zoning Districts.

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

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

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

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

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

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

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

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

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

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

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

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

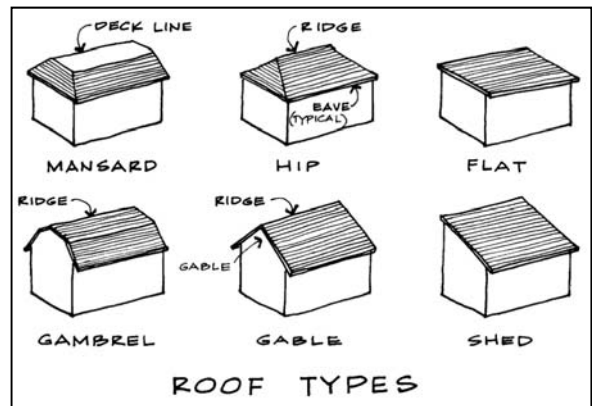
Retirement Community - A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health, disability or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding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

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

Roof - The outside top covering of a building.

Rooming House - See *boarding house*.

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



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

Sawmill - A commercial operation where timber is sawed into boards. This does not include a portable sawmill operating temporarily as an accessory to a timber harvest. Considered *agriculture products processing* for regulation by this Ordinance.

School, Public or Private Primary or Secondary School - An educational institution that primarily provides State-required or largely State-funded educational programs. This term shall not include *trade schools*.

Screened - Visibly shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way,

or any other premises which is accomplished by topography, fencing, berms, natural and planted vegetation or other means approved by the Township.

Screening - A method of visually shielding or obscuring a structure or use from another by topography, fencing, walls, berms, planted vegetation or a combination of these methods.

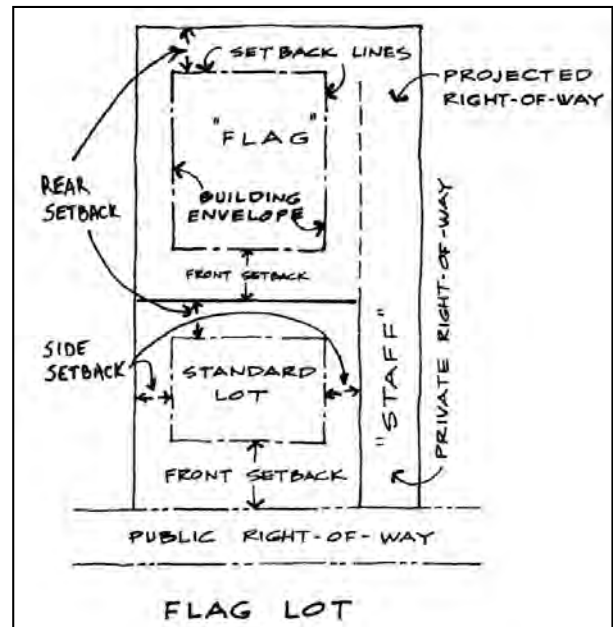
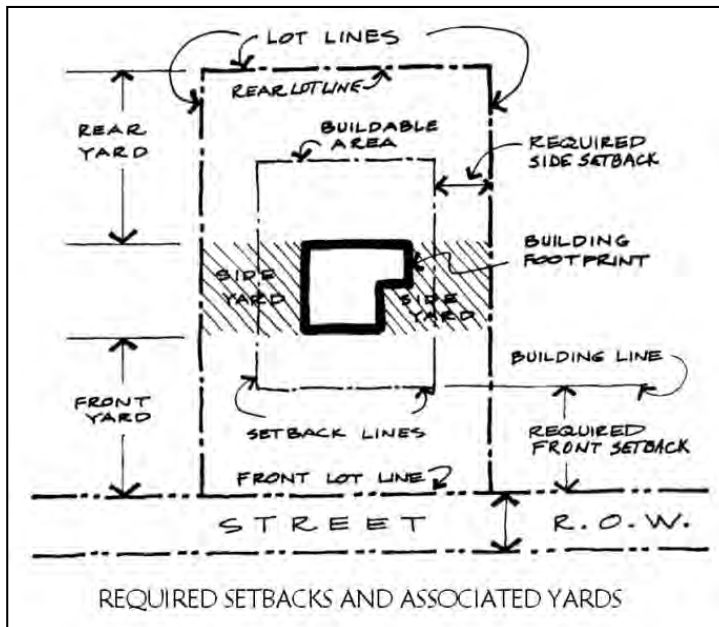
Secondary Resources - See *resources, secondary*.

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

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

Service Establishment - An establishment engaged in providing services involving the care of a person or a person's goods or apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

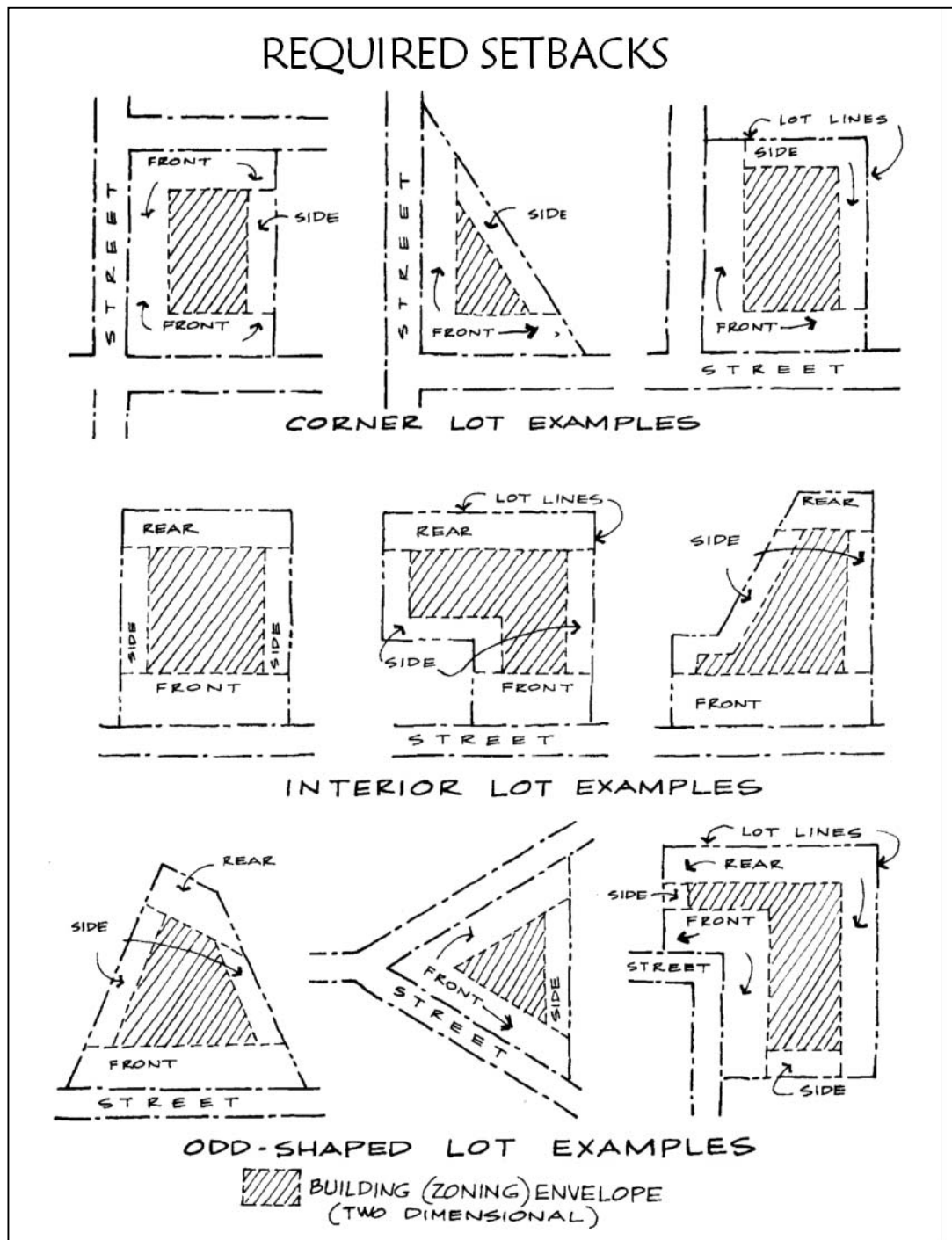
Setback, Front - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.



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

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

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



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

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

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

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

Shopping Center or Mall - A group of independent (i.e., not dependent on each other for operation) commercial establishments occupying spaces separated by walls which are planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations, landscaping, and signs.

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

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

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

Short-Term Rental - Granting or allowing the occupancy or possession, in whole or in part, of a dwelling unit for a transient use, for compensation or remuneration of any kind. This definition applies to all types of dwelling units, including (But not limited to) single family, two family and multi-family dwelling units, whether or not otherwise primarily used as permanent residences or seasonal or vacation homes.

Signs – See Article 7.

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

Slope - See *grade*.

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

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

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

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

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

Solar Power Generation, Commercial - A facility where one (1) or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other

appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

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

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

Solid Waste Landfill - A facility using land for disposing of solid waste. The facility includes land affected during the lifetime of operations including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for the land application of sewage sludge.

Solid Waste Transfer Facility - A facility which receives and processes or temporarily stores solid waste at a location other than the generation site, and which facilitates the transportation or transfer of the waste to a processing or disposal facility. The term does not include a *composting facility*, a *green box transfer station/recycling facility*, a *recycling facility*, or a *resource recovery facility* as defined herein, or an accessory drop-off point or collection center for recycling.

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

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

Special Event, Commercial - An event or function held at a business located within the Township, such as grand openings, tent sales and sidewalk sales.

Special Event, General - An event or function which is held in the Township and of general interest to the community, such as bazaars, fairs, festivals and activities generally viewed as fund-raisers for the benefit of nonprofit organizations and volunteer activities.

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

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

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

State - The Commonwealth of Pennsylvania and its agencies.

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

Storage Yard for Forest Products and Minerals - An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flagstone, landscaping stone, wall stone or other minerals are hauled and

stored, and which does not involve any land development, the operation of a sawmill, the operation of any other wood manufacturing business, or the operation of any natural resources processing.

Stream - A natural watercourse. See *watercourse*.

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

Street Classification (Existing) - Based primarily upon the Comprehensive Plan, the following classifications shall apply for existing streets: (See the Subdivision and Land Development Ordinance for proposed streets.)

- A. Expressway - Route 33.
- B. Arterial Streets - Wilkes-Barre Easton Turnpike (Old Route 115), Hamilton South Road.
- C. Collector Streets - Kunkletown Road, Meixell Valley Road, Mount Eaton Road, Weir Lake Road, Faulstick Road, Mountain Road, Flyte's Road, Blue Ridge Road, Rolling Hills Road, Anchorage Road.
- D. Local Streets - All other existing streets in the Township. This classification is not intended to distinguish public versus private streets.

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

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

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

Structural Alteration - See *alteration*.

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

Subdivision Ordinance or Subdivision and Land Development Ordinance - The Ross Township Subdivision and Land Development, as amended.

Supervisors - The Board of Supervisors of Ross Township.

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

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

- A. The perforation or cutting of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.

- B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.
- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

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

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

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

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

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

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

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

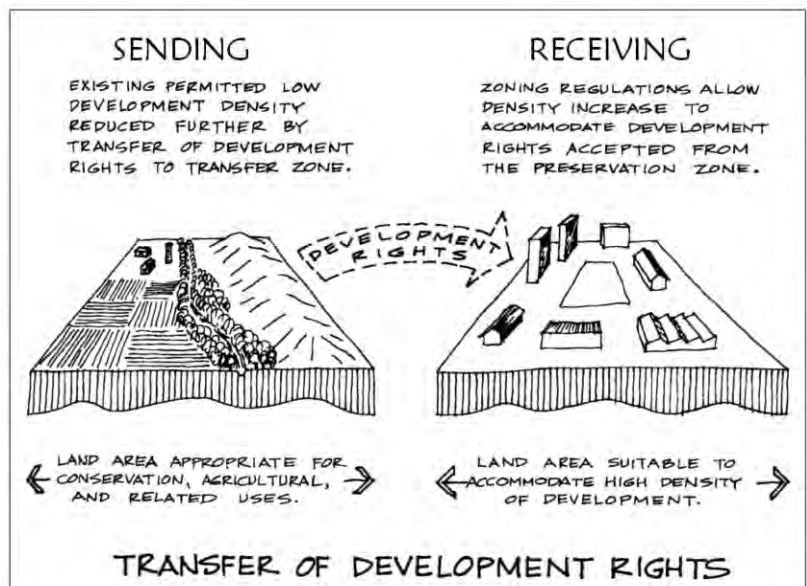
Tract - See *lot*.

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

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

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

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



Transient Use - Occupancy, use or possession of a Dwelling Unit, in whole or in part, for a period of less than 30 consecutive days by persons other than (i) the owner(s) of that dwelling unit, (ii) tenant(s) of that dwelling unit with a lease for 30 consecutive days or more and (iii) the family of such owner(s) or tenants. Temporary stays without the payment of any type of compensation or other remuneration by unrelated individuals who are guests of person identified in items (i) through (iii) above shall not constitute a transient use.

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

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

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

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

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

Truck Stop - See *travel plaza*.

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

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

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

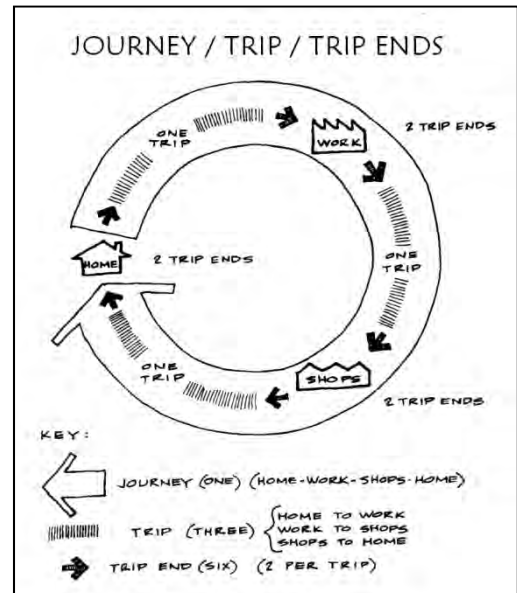
Use - The specific purpose for which land or a building is designed, arranged, intended, or for which land is or may be occupied or maintained.

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

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

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

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



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

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

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

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

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

Wall - See *fence or wall*.

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

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

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

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

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

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

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

Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which are defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

Wholesale Business - Establishments or places of business with no on site manufacturing primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

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

persons, other animals or property.

Wind Energy Facility, Commercial - A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind energy facility, commercial*.

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

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

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

Yard - The area between the principal structure(s) and the adjoining lot line or right-of-way. (See also *setback*.)

Yard, Lawn, Garage, Tag or Estate Sale - A sale, open to the public, of new, used or previously owned personal property, including but not limited to goods, wares, merchandise and clothing, held on vacant property or on the lawn, yard, porch, patio or in the garage or residence, or in the principal or outbuilding, of the person who is conducting the sale. The buying and selling of new or used items or surplus material shall be considered a commercial operation and shall be prohibited, except as otherwise permitted and regulated by this Ordinance.

Zoning Hearing Board - The Zoning Hearing Board of Ross Township.

Zoning Map - The Official Zoning Map of Ross Township.

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

Zoning Ordinance - The Township Zoning Ordinance, as amended.

Zoning Permit - See *permit*.

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

**ARTICLE 3
DISTRICTS****301. DESIGNATION OF DISTRICTS AND PURPOSES.**

- A. Zoning District - For the purpose of this Ordinance, Ross Township is hereby divided into the following zoning districts, with the following abbreviations:
- CR Conservation Residential District
 - SC Special Conservation District
 - RR Rural Residential District
 - R1 Low Density Residential District
 - R2 Medium Density Residential District
 - VC Village Commercial/Residential District
 - GC General Commercial District
- B. Official Zoning Map - For the purposes of this Ordinance, the zoning districts named in §301.A shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in §301.A shall mean the district name that is listed beside the abbreviation.
- C. Overlay Districts. The Floodplain Area, as defined by Article 10, shall serve as an overlay district to the applicable underlying districts.
- D. Purposes of Each District. In addition to serving the overall purposes of this Ordinance, the specific purposes of each zoning district are summarized below:
1. CR Conservation Residential District – To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To protect the water quality and habitats along creeks, and promote groundwater recharge. To recognize that certain of these areas do not have sufficient road access for intense development. To provide a certain amount of flexibility in lot layout through Conservation By design development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development.
 2. SC Special Conservation District – To very carefully provide for appropriate development of lands with important historic, scenic, environmental and water resource features. To carefully relate the density of an area of land to the important natural features.
 3. RR Rural Residential District – To provide for low intensity development in areas that are unlikely to ever be served by public water and sewage services. To recognize that many of these areas include sensitive natural features, particularly steep slopes and wetlands. To protect the water quality and habitats along creeks, and promote groundwater recharge. To provide a certain amount of flexibility in lot layout through Conservation By Design development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development.
 4. R-1 Low Density Residential District – To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
 5. R-2 Medium Density Residential District – To provide for medium density residential neighborhoods. To meet obligations under State law to allow a variety of housing types, provided there is central sewage service. To protect these areas from incompatible uses. To encourage "one home, one lot" development in order to promote home ownership and neighborhood stability. To make sure that "infill" development is consistent with neighboring development. To extend the best features of older development into newer development.

6. VC Village Commercial/Residential District – To preserve the historic character of the older villages of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic character, and which are most likely to cause demolition of historic buildings. To primarily provide for smaller-scale uses that use existing historic buildings, as opposed to uses that would involve substantial demolition. To avoid heavy commercial uses that would be incompatible with nearby homes. To promote uses that will provide a pedestrian-orientation and that promote bicycling. To seek to extend the best features of older development into newer development.
7. GC General Commercial District – To provide for a variety of commercial / light manufacturing uses in areas that are not historic and that include few homes. To provide for uses which are more auto-related (such as gas stations) than uses in the VC district. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along major roads.

302. APPLICATION OF DISTRICT REGULATIONS.

- A. Uniform Applicability - The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. Structures and Land - No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. Existing Setbacks and Lots - No setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the RR zoning district of Ross Township until or unless such territory is otherwise classified by Board of Supervisors.

303. ZONING MAP.

- A. Zoning Map - A map entitled “Ross Township Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words “Official Zoning Map,” shall be retained in the Township Building.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the PA Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. DISTRICT BOUNDARIES.

The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds’ office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal uses(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- A. Intent - To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- C. These same additional setback and buffer yard provisions shall be provided by uses proposed within Ross Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Ross Township.

306. **USES ALLOWED IN ZONING DISTRICTS.**

A. Intermunicipal Cooperation.

- 1. Regional Comprehensive Plan. This Zoning Ordinance is enacted in accord with an intergovernmental cooperation agreement adopted by Jackson Township and other participating municipalities, herein referred to as the Planning Region, to implement the Regional Comprehensive Plan. The adopted Regional Comprehensive Plan includes a Future Land Use Map which identifies *what future land uses would be most appropriate throughout the region and at what density. Future Land Use recommendations are based on a variety of factors: The patterns of development and existing conditions within the municipalities; the anticipated path of future growth in the region; existing environmental conditions and natural resources; capacity of public facilities and infrastructure; and goals of the Monroe County Comprehensive Plan.*
- 2. Regional Approach. The zoning ordinances and zoning maps adopted by the participating municipalities provide for a variety of housing types and densities and accommodate all categories of land uses within the Planning Region, and are consistent with the Regional Comprehensive Plan.
- 3. Pennsylvania Municipalities Planning Code. This is consistent with §916.1, §1006-A(b.1) and §1105 of the Pennsylvania Municipalities Planning Code. §1006-A(b.1) states: *Where municipalities have adopted a multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the court shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.*
- 4. Regional Uses. The uses listed in the Regional Uses Table are available within the Planning Region as provided by the Pennsylvania Municipalities Planning Code.

| REGIONAL USES | | | | | |
|---|-------------------------|---------------|---------------|---------------|---------------|
| Land Use | Zoning District Allowed | | | | |
| | Chestnuthill | Jackson | Eldred | Ross | Polk |
| Adult Business | not permitted | I | not permitted | not permitted | not permitted |
| Agriculture Products Processing | not permitted | I | not permitted | not permitted | I |
| Animal Shelters | not permitted | not permitted | not permitted | GC | C |
| Bulk Fuel Storage Facility | not permitted | I | I | not permitted | I |
| Concentrated Animal Feeding Operation | not permitted | not permitted | not permitted | RR | RR |
| Correctional Facility | not permitted | not permitted | not permitted | GC | not permitted |
| Distribution Center/Truck Terminal | not permitted | I | not permitted | GC | not permitted |
| Flea Market, Outdoor | VC, GC | not permitted | not permitted | GC | C |
| Industrial Wastewater Treatment Facility | not permitted | I | not permitted | not permitted | not permitted |
| Industry | not permitted | I | I | not permitted | I |
| Junk Yard | not permitted | not permitted | not permitted | RR | not permitted |
| Kennel | not permitted | not permitted | RR | not permitted | C |
| Mineral Processing | not permitted | I | I | not permitted | not permitted |
| Mobile Home Park | R-3 | not permitted | not permitted | R-2 | R-2 |
| Pipeline Compressor Station, Metering Station or Operation/Maintenance Facilities | LIC, GI | I | not permitted | GC | not permitted |
| Power Plant | not permitted | I | not permitted | not permitted | not permitted |
| Race Track | not permitted | not permitted | RR | GC | not permitted |
| Recycling Facility | GI | I | I | not permitted | not permitted |
| Resource Recovery Facility | not permitted | I | not permitted | not permitted | not permitted |
| Retail/Commercial Development, Large-Scale | VC, GC, LIC | C | C | GC | C |
| Shooting Range, Outdoor Commercial | RR | not permitted | not permitted | RR | not permitted |
| Solid Waste Landfill | not permitted | not permitted | not permitted | RR | not permitted |
| Solid Waste Facility | not permitted | I | not permitted | not permitted | not permitted |
| Travel Plaza | not permitted | C | not permitted | GC | not permitted |
| Wind Energy Facility, Commercial | not permitted | not permitted | RR | RR | not permitted |
| Zoo or Menagerie | not permitted | RC | not permitted | not permitted | not permitted |

Chestnuthill Township

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

Eldred Township

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

Ross Township

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

Polk Township

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

B. Uses Allowed. The uses allowed in the various zoning districts are set forth in the Table of Uses by District.

1. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including §105.B), any

land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

2. See §105.B which generally provides a process for approval of a use that is not listed – based upon similarity to permitted uses and other criteria. Except as provided in such §105.B, any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.
3. For temporary uses, see §103.G.

| TABLE OF USES BY DISTRICT | | | | | | | | |
|---|--|------------------|--|----|-----|-----|----|----|
| This Table summarizes the various uses according to the classification of the use in the zoning districts. Uses listed separately shall only be permitted in the noted districts and shall not be included in a more general use classification. | | | | | | | | |
| CODES: P = principal permitted use (Zoning Officer decision) N = not permitted S = special exception (Planning Commission review; Zoning Hearing Board decision) C = conditional use (Planning Commission review; Board of Supervisors decision) NOTE: All uses must comply with all applicable standards. Section references for specific uses are for supplemental standards that apply in addition to or, if more restrictive, in place of other ordinance standards. | | | | | | | | |
| TYPE OF USE | | ZONING DISTRICTS | | | | | | |
| ACCESSORY USES | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
| See Accessory Uses Table which follows this Table | permitted unless otherwise restricted by this Ordinance | | | | | | | |
| Home occupations | 403.D.12 | S | S | S | S | S | S | S |
| Stables, private | 403.D.14 | P | P | P | S | S | N | S |
| RESIDENTIAL USES | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
| Assisted care dwelling unit for relative | 403.D.3 | S | S | S | S | S | S | S |
| Assisted living facilities | 402.F | N | N | N | N | S | S | P |
| Boarding and lodging houses | 402.H | N | N | N | N | N | S | N |
| Conservation design development | 901 | N | SC, RR: required R-1, R-2, VC: optional | | | | N | N |
| Dormitories | -- | N | N | N | N | N | N | S |
| Fraternity or sorority houses | -- | N | N | N | N | N | N | S |
| Group homes | 402.S | P | P | P | P | P | P | P |
| Group homes, institutional | -- | N | N | N | N | P | P | P |
| Mobile home parks | 402.Y | N | N | N | N | S | N | N |
| Multi-family dwellings | 402.OO | N | N | N | N | P | S | N |
| Personal care homes | 402.F | N | N | N | N | S | S | P |
| Religious quarters | -- | N | N | N | N | P | P | P |
| Retirement communities | -- | P | P | P | P | P | P | P |
| Single-family detached dwellings | -- | P | P | P | P | P | P | P |
| Two-family dwellings | -- | N | N | N | N | P | P | P |

| COMMERCIAL, INDUSTRIAL, MANUFACTURING USES | | | | | | | | |
|--|-----------------------------|----|-----|----|-----|-----|----|----|
| Retail, Service, Health Related Uses | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
| Adult businesses | Regional Use – see §306.A.4 | | | | | | | |
| After hours clubs | -- | N | N | N | N | N | N | SE |
| Art and craft studios | -- | N | N | N | N | N | P | P |
| Auction houses | | N | N | N | N | N | P | P |
| Bakeries, retail | -- | N | N | N | N | N | P | P |
| Banks | -- | N | N | N | N | N | P | P |
| Bus, limousine, taxi terminals/stations | -- | N | N | N | N | N | P | S |
| Business offices | -- | N | N | N | N | N | P | P |
| Business services | -- | N | N | N | N | N | P | P |
| Car washes | 402.J | N | N | N | N | N | N | P |
| Charging stations | -- | N | N | N | N | N | P | P |
| Conference centers | -- | N | (1) | N | N | N | P | P |
| Convenience stores | -- | N | N | N | N | N | P | P |
| Development sales offices | -- | P | P | P | P | P | P | P |
| Drive-in stands/uses | 403.D.7 | N | N | N | N | N | S | S |
| Farmer's markets | -- | N | N | N | N | N | P | P |
| Flea markets, indoor | -- | N | N | N | N | N | P | P |
| Flea markets, outdoor | -- | N | N | N | N | N | N | S |
| Funeral homes | -- | N | N | N | N | N | P | P |
| Gaming establishments | -- | N | N | N | N | N | N | P |
| Health facilities | -- | N | N | N | N | N | P | P |
| Kennels | Regional Use – see §306.A.4 | | | | | | | |
| Lumberyards | -- | N | N | N | N | N | P | P |
| Massage facilities, therapeutic | -- | N | N | N | N | N | P | P |
| Meeting, assembly, or banquet halls | -- | N | N | N | N | N | P | P |
| Micro-breweries | -- | N | N | N | N | N | P | P |
| Model homes | -- | P | P | P | P | P | P | P |
| Nightclubs | -- | N | N | N | N | N | P | P |
| Offices or office buildings | -- | N | N | N | N | N | P | P |
| Outdoor entertainment | -- | N | N | N | N | N | S | P |
| Professional offices | -- | N | N | N | N | N | P | P |
| Restaurants, traditional | 402.GG | N | N | N | N | N | P | P |
| Restaurants, outdoor | 402.GG | N | N | N | N | N | S | P |
| Restaurants, take-out | 402.GG | N | N | N | N | N | P | P |

| | | | | | | | | |
|---|-----------------------------|-----------|-----------|-----------|------------|------------|-----------|-----------|
| Retail business | -- | N | N | N | N | N | P | P |
| Retail businesses, large scale | -- | N | N | N | N | N | N | P |
| Retail home heating fuel distributors | -- | N | N | N | N | N | N | P |
| Sample homes | -- | N | N | N | N | N | N | P |
| Service establishments | -- | N | N | N | N | N | P | P |
| Shopping centers or malls | -- | N | N | N | N | N | P | P |
| Special event, commercial | -- | N | N | N | N | N | P | P |
| Travel plazas | -- | N | N | N | N | N | N | S |
| Truck washes | 402.J | N | N | N | N | N | N | P |
| Vehicle and equipment rental, repair, sales operations | 402.QQ | N | N | N | N | N | N | P |
| Veterinary clinics, indoor | 402.RR | N | N | N | N | N | P | P |
| Veterinary clinics, outdoor facilities | 402.RR | N | N | N | N | N | N | P |
| Recreation Related Uses | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
| Amusement arcades | -- | N | N | N | N | N | P | P |
| Amusement parks | -- | N | N | N | N | N | N | P |
| Archery range, outdoor commercial | -- | N | N | S | N | N | N | N |
| Bed and breakfast inns | 402.G | N | (1) | S | S | S | P | P |
| Billiard halls | -- | N | N | N | N | N | P | P |
| Campgrounds and recreational vehicle parks | 402.I | N | N | N | N | N | N | P |
| Camps/retreats | 402.I | S | S | N | N | N | P | P |
| Country clubs | -- | N | N | P | P | P | P | P |
| Golf courses, excluding miniature golf & driving ranges | 402.DD | P | P | P | P | P | P | P |
| Hotels | 402.T | N | N | N | N | N | P | P |
| Hunting/fishing clubs/camps | -- | P | P | P | P | P | P | P |
| Motels | 402.T | N | N | N | N | N | P | P |
| Race tracks | 402.Z | N | N | N | N | N | N | S |
| Recreation facilities, indoor commercial | -- | N | N | N | N | N | P | P |
| Recreation facilities, outdoor commercial | 402.DD | S | S | S | S | S | S | S |
| Resorts | -- | N | N | N | N | N | P | P |
| Shooting preserves | -- | P | P | P | N | N | N | N |
| Shooting ranges, outdoor commercial | 402.JJ | N | N | S | N | N | N | N |
| Short-Term Rentals | 402.UU | N | N | N | N | N | P | P |
| Stables, commercial | 402.MM | P | P | P | P | P | P | P |
| Theaters, indoor | -- | N | N | N | N | N | P | P |
| Theaters, drive-in | 403.D.7 | N | N | N | N | N | N | P |
| Zoos and menageries | Regional Use – see §306.A.4 | | | | | | | |

| Industrial, Manufacturing, Warehousing, Similar Uses | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
|--|-----------------------------|-----------|-----------|-----------|------------|------------|-----------|-----------|
| Agricultural products processing | Regional Use – see §306.A.4 | | | | | | | |
| Airports | 402.B | N | N | N | N | N | N | S |
| Airports, local | -- | N | N | N | S | N | N | S |
| Bulk fuel storage facilities | Regional Use – see §306.A.4 | | | | | | | |
| Commercial communication antenna sites | 402.M | N | N | N | N | N | S | S |
| Commercial communication antenna sites, accessory | 402.M | P | P | P | P | P | P | P |
| Composting facilities | -- | N | N | S | N | N | N | N |
| Contractor's yards | -- | N | N | N | N | N | P | P |
| Crematoriums | 402.K | N | N | N | N | N | N | S |
| Distribution centers/truck terminals | -- | N | N | N | N | N | N | S |
| Heliports | 402.B | N | N | N | N | N | N | S |
| Helistops | 402.B | N | N | N | N | N | N | S |
| Hydraulic fracturing water withdrawal facilities | -- | N | N | N | N | N | N | S |
| Industrial wastewater treatment facilities | Regional Use – see §306.A.4 | | | | | | | |
| Industry | Regional Use – see §306.A.4 | | | | | | | |
| Junkyards | 402.U | N | N | S | N | N | N | N |
| Manufacturing, light | -- | N | N | N | N | N | S | P |
| Power plants | Regional Use – see §306.A.4 | | | | | | | |
| Recycling facilities | Regional Use – see §306.A.4 | | | | | | | |
| Resource recovery facilities | Regional Use – see §306.A.4 | | | | | | | |
| Self-storage facilities | 402.II | N | N | N | N | N | N | P |
| Solid waste facilities | Regional Use – see §306.A.4 | | | | | | | |
| Solid waste landfills | | N | N | S | N | N | N | N |
| Warehouses | -- | N | N | N | N | N | S | P |
| Wholesale businesses | -- | N | N | N | N | N | S | P |
| PUBLIC, SEMI-PUBLIC, COMMUNITY USES | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
| Abused person shelters | -- | N | N | N | N | P | P | P |
| Animal shelters | -- | N | N | N | N | N | N | S |
| Bus shelters | -- | P | P | P | P | P | P | P |
| Cemeteries | 402.K | P | P | P | P | P | P | P |
| Clubs/lodges, private | 402.L | N | N | N | N | N | P | P |
| Colleges | -- | N | N | N | N | N | S | P |
| Community centers | -- | N | N | N | N | S | P | P |
| Correctional facilities | 402.TT | N | N | N | N | N | N | S |
| Cultural centers | -- | N | N | N | N | S | P | P |
| Day care centers | 402.O | N | N | N | N | S | P | P |

| | | | | | | | | |
|--|-----------------------------|-----------|-----------|-----------|------------|------------|-----------|-----------|
| Domestic violence shelters | -- | N | N | N | N | N | P | P |
| Emergency services stations | -- | N | N | N | N | S | P | P |
| Garages, public parking | -- | N | N | N | N | N | P | P |
| Green box transfer stations/recycling facilities | -- | S | S | S | S | S | S | S |
| Halfway houses | -- | N | N | N | N | N | P | P |
| Homeless shelters | -- | N | N | N | N | N | P | P |
| Park and ride facilities | -- | N | N | N | N | N | S | P |
| Places of worship | 402.CC | P | P(2) | P(2) | P(2) | P(2) | P | P |
| Public buildings and uses | -- | N | N | N | N | S | P | P |
| Recreation facilities, public | -- | P | P | P | P | P | P | P |
| Schools, public or private, primary or secondary | 402.HH | N | N | P | P | P | P | P |
| Semi-public buildings or uses | -- | N | N | N | N | S | P | P |
| Special event, general | -- | P | P | P | P | P | P | P |
| Township buildings and uses | -- | P | P | P | P | P | P | P |
| Trade schools | -- | N | N | N | N | N | P | P |
| AGRICULTURAL, NATURAL RESOURCE USES | Section | CR | SC | RR | R-1 | R-2 | VC | GC |
| Agritourism | 403.D.8 | P | P | P | P | P | P | P |
| Animal husbandry, commercial | 402.D | P | P | P | P | P | P | P |
| Animal husbandry, home use | 403.D.1 | P | P | P | P | P | P | P |
| Concentrated animal feeding operations | 402.D | N | N | S | N | N | N | N |
| Crop production | -- | P | P | P | P | P | P | P |
| Farm-related businesses | 403.D.8 | P | P | P | P | P | P | P |
| Forestry | 402.P | P | P | P | P | P | P | P |
| Greenhouses, commercial | -- | P | P | S | N | N | S | P |
| Mineral extraction (including oil and gas wells) | 402.W | N | N | P | N | N | N | N |
| Mineral processing | Regional Use – see §306.A.4 | | | | | | | |
| Nurseries, commercial | -- | P | P | P | P | P | P | P |
| Pipeline compressor stations, metering stations or operation/maintenance facilities | -- | N | N | S | N | N | N | N |
| Solar power generation, commercial | -- | N | N | S | N | N | N | P |
| Storage yards for forest products and minerals | -- | N | N | N | N | N | N | P |
| Wind energy facilities | -- | N | N | S | N | N | N | N |
| NOTES: (1) See additional commercial uses allowed in the SC District per §315. (2) Provided the use has direct access to an arterial or collector street as defined in §202. | | | | | | | | |

| ACCESSORY USES PERMITTED IN ALL DISTRICTS (Unless otherwise restricted by this Ordinance.) | |
|--|---|
| <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Barns, silos, sheds, and similar agricultural buildings - Carports* - Common facilities - Day care, family home (403.D.6) - Decks* - Docks* - Essential services - Farm stands (403.D.8) - Garages, private* - Gazebos* - Greenhouses, private* - Guard shacks - Home occupations, light (403.D.12.b) | <ul style="list-style-type: none"> - No impact home-based businesses (403.D.12.c) - Patios* - Pets, keeping of (403.D.14) - Porches* - Parking areas accessory to approved uses (Article 6) - Satellite dish antennas or satellite antennas - Sheds* - Signs accessory to approved uses (Article 7) - Solar collectors, accessory - Swimming pools (403.D.17) - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sale (403.D.11) |
| *See §403.D.15 for residential accessory structures or uses | |

C. Developments of Regional Significance.

1. All subdivision and/or land development, classified by intergovernmental agreement as having regional significance, shall be brought before the Regional Planning Committee for review and comment. A development of regional significance shall be defined per §107 of the PA MPC as “any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.”
2. The Regional Planning Committee shall have the right to review developments of regional significance to determine general consistency with the Comprehensive Plan. No development of regional significance, as defined by the criteria above, may be recommended for approval by the Regional Planning Committee that is inconsistent with the Comprehensive Plan. However, nothing in this Section usurps the power of the Board of Supervisors of each respective member-Township regarding subdivision or land development plan approval.
3. Determination of regional significance shall be based on the following guidelines:

| Type of Development | Threshold |
|---|---|
| Adult business | New facility or expansion of use of existing facility by 50% or more; and located within one-half mile of a jurisdictional boundary. |
| Airports and heliports | Any new airport with a paved runway; or runway additions of more than 25% of existing runway length or within one-half mile of a jurisdictional boundary. |
| Commercial (including retail, mixed-commercial and office centers) not classified below | Greater than 150,000 square feet; or 75,000 square feet if within one-half mile of a jurisdictional boundary. |
| Concentrated animal feeding operations (CAFO) | New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary. |
| Fuel storage facilities | Storage capacity greater than 75,000 gallons if within 1,000 feet of any water supply; otherwise, storage capacity greater than 150,000 gallons; and located within one-half mile of a jurisdictional boundary. |

| Type of Development | Threshold |
|--|---|
| Gambling/betting facilities | New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary. |
| Hospitals and other major medical centers | New facility or expansion of use of an existing facility by 50% or more and within one-half mile of a jurisdictional boundary. |
| Housing | Housing developments (single-family, two-family or multi-family) if in excess of 50 or more dwelling units, or resulting in the development of 25 dwelling units or more and within 1,000 feet of the Township boundary line. |
| Industrial facilities | New facility or expansion of use of an existing facility by 50% or more or within one-half mile of a jurisdictional boundary. |
| Intermodal terminals (Intermodal - A facility or system that transfers people, goods, or information between two or more transport modes or networks between an origin and destination.) | New facility or expansion of existing facility by more than 50% or within one-half mile of a jurisdictional boundary. |
| Kennels | New facility or expansion of existing facility by more than 50% and within one-half mile of a jurisdictional boundary. |
| Mineral extraction or mineral processing | New facility or expansion of existing facility by more than 50 percent; and located within one-half mile of a jurisdictional boundary. |
| Lodging facilities | Greater than 150 rooms and within one-half mile of a jurisdictional boundary. |
| Mixed residential and non-residential uses | Greater than 150,000 square feet; or 75,000 square feet if within one-half mile of a jurisdictional boundary. |
| Infrastructure projects | Infrastructure projects within one-half mile of adjoining municipal boundaries. Projects outside one-half mile may be reviewed on a discretionary basis as desired by the host municipality. |
| Schools/colleges | New facility with a capacity of more than 750 students, or expansion by at least 25% of capacity and within one-half mile of a jurisdictional boundary. |
| Solid waste facilities | New facility or expansion of use of an existing facility by 50 percent or more. |
| Sports complexes, attractions and regional recreational facilities | New facility or expansion of use of an existing facility by 50 percent or more; or located within one-half mile of a jurisdictional boundary. |
| Truck terminals | A new facility with more than 3 diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces; and within one-half mile of a jurisdictional boundary. |
| Wastewater treatment facilities | New facility or expansion of existing facility by more than 50 percent; and located within one mile of a jurisdictional boundary. |
| Water supply (quantity or quality) intakes/reservoirs | New facilities or expansion of use by 50 percent or more and within one-half mile of a jurisdictional boundary. |
| Wholesale or distribution facilities | Greater than 100,000 square feet or expansion of an existing use by 50 percent or more and within one-half mile of a jurisdictional boundary. |
| Any other land development types not identified above (includes parking facilities) | Generate new vehicle trips in excess of 1,000 average daily trips (ADT) or has the potential to generate adverse environmental or human impacts, stormwater runoff, wastewater collection or treatment and within one-half mile of a jurisdictional boundary. |

307. DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.

- A. The following area, setback and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by §402 or §403 or another section of this ordinance, or if conservation design development is applied in conformance with Article 9.

| Minimum Lot Area (sq. ft.) See §801.B | Minimum Lot Width Measured at Minimum Building Setback Line (ft.) ♦ | Minimum Front Setback (ft.) See §807 | Minimum Rear Setback Setback (ft.)** | Minimum Side Setback Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent Impervious Coverage |
|---|---|---|--------------------------------------|--|-----------------------------------|-------------------------------------|
| CR Conservation Residential | | | | | | |
| 217,800 (5 acres) | 250 | 50 | 30 | 20 | 10 | 15 |
| RR Rural Residential (See Conservation Design option in Article 9.) | | | | | | |
| 87,120 (2 acres) | 200 | 50 | 30 | 20 | 15 | 20 |
| SC Special Conservation (See additional provisions in §315, including lot requirements & optional uses.) | | | | | | |
| 87,120 (2 acres) | 200 | 40 | 30 | 20 | 15 | 20 |
| R-1 Low Density Residential with NEITHER Twp-approved central water NOR Twp-approved central sewage. (All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).) | | | | | | |
| 43,560 (1 acre) | 150 | 40 | 30 | 20 | 25 | 30 |
| R-1 Low Density Residential with Twp-approved central water AND/OR Twp-approved central sewage. (All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).) | | | | | | |
| 39,000 | 150 | 40 | 30 | 20 | 25 | 30 |
| R-2 Medium Density Residential with NEITHER Twp-approved central water NOR Twp-approved central sewage. | | | | | | |
| 43,560 (1 acre) | 150 | 40 | 30 | 20 | 40 | 50 |
| R-2 Medium Density Residential with Twp-approved central water OR Twp-approved central sewage. | | | | | | |
| 39,000 | 150 | 40 | 30 | 20 | 40 | 50 |
| R-2 Medium Density Residential with BOTH Twp-approved central water AND Twp-approved central sewage. Single-family detached dwelling* | | | | | | |
| 20,000 | 80 | 40 | 30 | 20 | 40 | 50 |
| R-2 Medium Density Residential with BOTH Twp-approved central water AND Twp-approved central sewage. Two-family dwelling* | | | | | | |
| 20,000 average (Note C) | 50 per unit | 40 | 30 | 20*** | 40 | 50 |
| R-2 Medium Density Residential with BOTH Twp-approved central water AND Twp-approved central sewage. Townhouse* | | | | | | |
| 20,000 average (Note C) | 20 interior units 40 end units (Note B) | 40 | 30 | 20*** | 40 | 50**** |
| R-2 Medium Density Residential with BOTH Twp-approved central water AND Twp-approved central sewage. Apartment detached from other buildings | | | | | | |
| 20,000 average (Note C) | 150 | 40 | 30 | 20 | 40 | 50 |
| R-2 Medium Density Residential with BOTH Twp-approved central water AND Twp-approved central sewage. Mobile home parks | | | | | | |
| §402.Y requirements shall apply | | | | | | |
| R-2 Medium Density Residential District with BOTH Twp-approved central water AND Twp-approved central sewage. Other allowed use unless otherwise regulated by this ordinance. | | | | | | |
| 43,560 (1 acre) | 150 | 40 | 30 | 20 | 40 | 50 |

| Minimum Lot Area (sq. ft.) See §801.B | Minimum Lot Width Measured at Minimum Building Setback Line (ft.) ♦ | Minimum Front Setback (ft.) See §807 | Minimum Rear Setback Setback (ft.)** | Minimum Side Setback Setback ** (each) (ft.) | Maximum Percent Building Coverage | Maximum Percent Impervious Coverage |
|---|--|---|--------------------------------------|--|-----------------------------------|-------------------------------------|
| VC Village Commercial - Allowed residential use. | | | | | | |
| R-2 District requirements shall apply | | | | | | |
| VC Village Commercial – Other allowed use. For any proposed new principal non-residential building, a sketch, elevation drawing or rendering of the front façade shall be submitted for Township review at least 30 days before the issuance of any building permit. The types of exterior materials of the façade shall be listed on the submittal. | | | | | | |
| 43,560 (1 acre) | 100, except 200 feet for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street. | 30, except 60 feet where off-street parking will exist between the principal building and an arterial street. | 30 (Note D) | 20 (Note D) | 60 | 80 |
| GC General Commercial – Vehicle, equipment or manufactured home sales or outdoor recreation use. - For any proposed new principal non-residential building, a sketch, elevation drawing or rendering of the front façade shall be submitted for Township review at least 30 days before the issuance of any building permit. The types of exterior materials of the façade shall be listed on the submittal. - If a lot includes more than one type of principal use on a lot, then a minimum lot area of 1 acre shall be required for each type of principal use. | | | | | | |
| 87,120 (2 acres) | 100, except 200 feet for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street. | 30, except 60 feet where off-street parking will exist between the principal building and an arterial street. | 30 (Note D) | 20 (Note D) | 50 | 75 |
| GC General Commercial – Other allowed use. - For any proposed new principal non-residential building, a sketch, elevation drawing or rendering of the front façade shall be submitted for Township review at least 30 days before the issuance of any building permit. The types of exterior materials of the façade shall be listed on the submittal. - If a lot includes more than one type of principal use on a lot, then a minimum lot area of 1 acre shall be required for each type of principal use. | | | | | | |
| 43,560 (1 acre) | 100, except 200 feet for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street. | 30, except 60 feet where off-street parking will exist between the principal building and an arterial street. | 30 (Note D) | 20 (Note D) | 50 | 75 |
| Notes: Corner lot setbacks – see §803.B.1. * = Each dwelling unit is required to be on its own fee-simple or condominium lot, unless otherwise permitted by this Ordinance. ** = The following exceptions apply: – For accessory structures and uses, see §307.C. – Structures shall not obstruct minimum sight clearance at intersections. – If a residential lot was previously granted subdivision approval with a lesser side or rear setback clearly stated or shown on the approved plans, then that lesser setback shall apply instead of the setbacks in this Section. – See §803.B.1 pertaining to Corner Lots. | | | | | | |

- See §807, which may require larger setbacks along existing streets.
- If the applicant proves to the Zoning Officer that lots in the vicinity have been developed with a clearly predominate setback width that is less than is required by this Section, then the Zoning Officer may approve a setback that the applicant proves is equal to the average of such setbacks in the vicinity.

*** = Except 0 feet at the shared lot line of lawfully attached dwellings

**** = For a townhouse development, the maximum impervious coverage may be based upon an average for the development.

(Note A) = Except a 70 feet wide minimum setback for any new or expanded portion of a manufacturing building or truck loading dock from the lot line of a principal residential use.

(Note B) = Except if 2 or more off-street parking spaces per dwelling are located within 25 feet of a public street or garage doors for 2 or more vehicles face onto a public street, then the lot width per dwelling along such street shall be a minimum of 24 feet.

(Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public street, private streets or parking courts are used. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.

(Note D) = Except 40 feet for a principal business use from a directly abutting primarily residential lot in a residential district.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

◆ = Except for Flag Lots, which are permitted in accordance with the provisions of Sections 1022.B, D and D of the Subdivision and Land Development Ordinance.

B. Height. Except as provided in §802 or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 1.5 stories (with the ½ story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, and
2. the maximum height for any other structure shall be 2.5 stories or 40 feet, whichever is more restrictive.

C. Accessory Structures and Uses. Accessory buildings and pools shall meet the same minimum setbacks as principal buildings. See exceptions in §307.A in Note **. However, if a principal building already intrudes into a required side or rear setback, then an accessory building, deck or pool may have the same minimum setback along that same lot line.

D. Residential Lots of Record in Certain Developments. In lieu of the setbacks in §307.A, the following minimum setbacks shall apply to single-family dwellings and accessory buildings in the listed developments.

| SETBACKS FOR RESIDENTIAL LOTS OF RECORD IN CERTAIN DEVELOPMENTS | | | | | | | | |
|---|--|-------------|-----------------|------|--------------------|-------------|-----------------|------|
| DEVELOPMENT | MINIMUM SETBACK (feet) | | | | | | | |
| | Dwelling | | | | Accessory Building | | | |
| | Front | Side (each) | Side (combined) | Rear | Front | Side (each) | Side (combined) | Rear |
| Beechwood Acres | 40 | 10 | 25 | 50 | 307.A* | 307.A* | 50 | 10 |
| Cherry Hill Estates | same as §307.A and no building or disturbance in 50-foot buffer in rear or side of Lots 1, 19, 20 and 40 | | | | | | | |

| SETBACKS FOR RESIDENTIAL LOTS OF RECORD IN CERTAIN DEVELOPMENTS | | | | | | | | |
|--|---|-------------|-----------------|--------|--------------------|-------------|-----------------|--------|
| DEVELOPMENT | MINIMUM SETBACK (feet) | | | | | | | |
| | Dwelling | | | | Accessory Building | | | |
| | Front | Side (each) | Side (combined) | Rear | Front | Side (each) | Side (combined) | Rear |
| Chicola Lake Trails Estates | 40 | 20 | 307.A* | 20 | 307.A* | 307.A* | 307.A* | 307.A* |
| Chicola Lake Trails Estates Lots 29, 35, 36, 37 and "A" | 40 | 20 | 307.A* | 50 | 307.A* | 307.A* | 307.A* | 307.A* |
| Deer Park (front measured from road centerline) | 55 | 20 | 40 | 50 | 40 | 10 | 50 | 10 |
| Evergreen Acres | 307.A* | 307.A* | 40 | 307.A* | 307.A* | 307.A* | 307.A* | 307.A* |
| Hickory Hills West Plats I, II, III and IV Hickory Hills East Plat II | 40 | 15 | 50 | 50 | 307.A* | 307.A* | 307.A* | 307.A* |
| Hidden Valley | average setbacks existing in the development | | | | | | | |
| Hilltop Acres | 40 | 20 | 40 | 50 | 40 | 10 | 40 | 10 |
| Owl Hollow | 30 | 10 | 25 | 50 | 40 | 10 | 50 | 10 |
| Rosslake Lake Section A | 40 | 15 | NA | 50 | 40 | 15 | NA | 20 |
| Rosslake Lake Sections B and C | 40 | 12.5 | NA | 50 | 307.A* | 307.A* | 307.A* | 12.5 |
| Rosslake Lake Section D | 307.A* | 307.A* | 307.A* | 307.A* | 40 | 10 | 50 | 10 |
| Rossmor (front measured from road centerline) | 55 | 20 | 40 | 50 | 55 | 10 | 50 | 10 |
| Shady Oaks Section II | 50 | 20 | NA | 60 | 307.A* | 307.A* | 307.A* | 307.A* |
| Sunset Hills (front measured from road centerline) | 55 | 10 | 25 | 50 | 40 | 10 | 50 | 10 |
| Sunset Hills Section 2 (front measured from road centerline) | 40 | 10 | 25 | 50 | 40 | 10 | 50 | 10 |
| Sunset Hills Section 2 | Lots 20 thru 26 also subject to 125-foot pipeline right-of-way: no structures Lots 7, 8 and 9: driveway access to Hawk Road only | | | | | | | |
| Vista Estates | 30 | 10 | 25 | 50 | 40 | 10 | 50 | 10 |
| Woodhaven Sections I and II | 30 | 10 | 25 | 50 | 40 | 10 | 50 | 10 |
| *The setback requirements of §307.A apply. | | | | | | | | |

308. RESERVED.**309. SEWAGE AND WATER SERVICES.**

A. Central Water Service. A use shall not be considered to be served by "Township or State, as applicable, approved central water service" unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,

2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
 3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.
- B. Central Sewage Service. A use shall not be considered to be served by “Township or State, as applicable, approved central sewage service” unless:
1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
 2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
 3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.
- C. Connection to a Larger System. Any new non-public central water or central sewage system shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system. For example, a development shall include adequate utility easements extending to the borders of the development to allow future interconnections at logical points.
- D. On-Lot Septic Systems.
1. Purpose – To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
 2. This §309.D shall apply to any lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance. This §309.D shall not apply if there is a permanent deed restriction or conservation easement preventing the use of the property for a principal building.
 3. Each lot shall include both a primary and a reserve septic system location. Both locations shall be determined by the Township Sewage Enforcement Officer to meet PA Department of Environmental Protection regulations for a septic system location prior to the approval of the final subdivision or land development plan.
 4. The requirement for a reserve septic system location shall not apply to the following:
 - a. a lot of over 10 acres,
 - b. the simple merger of two or more existing lots,
 - c. a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot that will use water, or
 - d. lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been pre-approved by the Township Board of Supervisors, after review by the Township Engineer.
 - e. Minor subdivisions involving only lot line adjustments or only the subdivision of a portion of the lot to be attached to an adjacent lot, provided that in either of these two circumstances a non-conforming lot (or lots) do(es) not result.

5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown as a reserved area on any subsequent applications for new or expanded buildings or parking.
- E. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate septic system locations.
 1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
 2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
 3. If the well or septic system location is proposed to be changed from the location shown on the subdivision plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
- F. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-resident use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.
- G. Professional Maintenance. Any spray irrigation or drip irrigation wastewater system or central sewage system shall be operated and maintained under a contract with a qualified professional. The Township may require that the owner of the system regularly provide proof to the Township that such contract continues to be in effect and the work is being funded and carried out.

310. STEEP SLOPES.

- A. Regrading. This §310 shall not apply to steep slopes that were man-made, such as quarries and detention basins. An applicant shall not regrade slopes greater than 15 percent before submitting development plans that prove compliance with this §310. The requirements of this §310 shall apply based upon slopes that existed at the effective date of this Ordinance. An applicant shall not regrade steep slopes and then submit plans claiming that the steep slopes no longer exist.
- B. Reserved.
- C. Single Family Dwellings and Steep Slopes. See Article 9 for single-family dwellings in conservation design development.
 1. Any new lot proposed for eventual use for a single family detached dwelling shall include a proposed “building area” with a minimum of 15,000 square feet (except as provided in “d.” below). Any principal building shall be placed within this building area. Such building area shall not include land within the minimum principal building setbacks.
 - a. If such building area includes an average slope of greater than 15 percent and less than 25 percent, then the minimum lot area shall be 2 acres, unless a larger lot area is required by another section of this Ordinance.
 - b. If such building area includes an average slope of 25 percent or greater then the minimum lot area shall be 5 acres.
 - c. Through designations on the Township-approved plan, an applicant may limit the area upon which new principal buildings are permitted. In such case, an applicant may provide that no new principal building shall be located on slopes of over 15 percent or slopes of 25 percent or greater, and thereby avoid the larger lot

regulations of this Section. As a result, a large portion of a lot may have steep slopes, but a 2 or 5 acre lot size would not be required because the steeply sloped portion would not include any principal buildings.

- d. If a single family detached dwelling is allowed and proposed on a lot with a lot area, after deleting minimum setbacks, that would be smaller than 15,000 square feet, then the entire lot area of each building lot shall have a maximum average slope of 15 percent in order to be approved as building lot.
2. Access. Each lot shall be accessible from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 15 percent.
- D. Steep Slopes and Other Uses. A lot shall only be used for buildings for principal uses other than single family detached dwellings if the proposed “building area” includes an average slope of less than 15 percent.
 1. For such uses, the “building area” shall include locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot septic systems.
 2. Access. Each principal building and each parking area shall have vehicle access from an existing or proposed street by means of a driveway or private accessway complying with the Township or State driveway ordinance and standards as applicable.
- DI. Site Plan and Tree Protection. If an applicant proposes to alter or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.
 1. Site Plan. The site plan shall show:
 - a. the proposed lot lines,
 - b. the existing and proposed contours and
 - c. existing and proposed building locations, and the outer perimeter of the proposed “building area” as described above.
 2. Mature Trees.
 - a. Where building or alteration is proposed on slopes of over 15 percent, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 3.5 feet above the ground level) and other beneficial erosion-avoiding natural vegetation will be minimized to the maximum extent feasible. The Site Plan shall show:
 - (1) wooded areas to be removed or preserved, and
 - (2) methods that will be used to make sure trees are protected by temporary fences or other measures during the construction process.
 - b. Temporary fencing should be placed around trees to be preserved. This fencing should be placed below the “dripline” of trees to keep out construction equipment that can compact soil and thereby kill the root systems of trees.

311. STORM WATER BUFFERS FOR WETLANDS, LAKES AND PONDS, AND STREAMS.

- A, In addition to the other restrictions of this Ordinance, the stormwater buffer provisions of Section 10.1 of the Ross Township Stormwater Management Ordinance shall be applicable.
- B. Where resource buffers overlap, the more restrictive requirements shall apply.

312. SETBACKS FROM STREAMS.

- A. No new or expanded buildings and no new or expanded off-street parking area or Commercial or manufacturing storage area shall be located within:
 - 1. 100 feet from the centerline of the Aquashicola Creek, Buckwha Creek and Princess Run; and
 - 2. 75 feet from the centerline of any other perennial stream, as shown on the USGS quadrangle maps.
- B. If a creek meanders, the setback may be measured from an average centerline of the stream.
- C. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the stream, to the maximum extent reasonable.

313. RESERVED.**314. WETLANDS AND LAKES.**

- A. Lot Area. Where a new lot is required to include a minimum lot area of 15,000 square feet or larger, the applicant shall prove that a minimum of 15,000 square feet of each lot includes contiguous land that is not “Wetlands” (as officially defined under Federal and/or State regulations) nor a lake.
- B. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

315. ADDITIONAL PROVISIONS FOR THE SC SPECIAL CONSERVATION DISTRICT.

- A. See the list of allowed uses in §306 and the dimensional requirements in §307. In addition to the uses allowed under §306, the following optional uses may be approved by special exception uses provided the applicant proves that the uses will meet §315.B.
 - 1. Retail store for antiques, apparel, apparel accessories and closely similar items.
 - 2. Personal services.
 - 3. Offices.
 - 4. Bed and breakfast inn.
 - 5. Conference center.
- B. In order for a use to be approved under these optional provisions of §318.A, the applicant shall prove the following standards will be met, in addition to all other requirements of this Ordinance:
 - 1. For a lot including commercial uses, the rooflines and architectural design of the buildings shall be closely compatible to and respectful to the styles of existing historic buildings and older agricultural buildings in the Township. All buildings shall have the appearance of a pitched roof, when viewed from a public street.
 - 2. For a lot including commercial uses, the maximum building coverage shall be 5 percent and the maximum impervious coverage shall be 10 percent. An adjacent lot may be used to meet these requirements if a permanent conservation easement acceptable to the Township is placed upon that lot.
 - 3. The applicant shall prove that all existing mature trees over 6 inches in trunk diameter measured 3.5 feet above the ground level will be preserved to the maximum extent feasible.

4. No new commercial establishment shall exceed a total floor area of 10,000 square feet.
 5. No drive-through service shall be provided.
 6. No commercial building shall exceed a total floor area of 15,000 square feet. However, individual buildings may be connected by covered walkways and architectural features.
 7. Any commercial building and parking area shall be set back a minimum of 80 feet from the abutting lot line of any existing dwelling.
- C. Within the SC District, no new principal building and no new off-street parking area nor truck loading dock shall be constructed or placed within 100 feet from the existing right-of-way of an arterial street (which includes State Route 3017/the Wilkes-Barre-Easton Turnpike/Old Route 115).
- D. No new principal building shall be placed within 100 feet from the existing right-of-way of an expressway (which includes PA Route 33).
- E. As part of any application that will involve more than 10,000 square feet of new impervious coverage, the applicant shall provide evidence that the use will be located and designed in such a manner as to minimize impacts upon groundwater resources and drinking water supplies.
- F. Developers within the SC District are strongly encouraged to provide flexible lot layouts that will protect the important historic, scenic, water resource and other environmental features of this area.
- G. For any proposed new principal nonresidential building, a sketch, elevation drawing or rendering of the façade visible from a public street shall be submitted for Township review at the time of any land development submittal or at least 30 days before the issuance of any building permit, whichever occurs first. The types of exterior materials of a façade visible from a public street shall be listed on the submittal. The architectural design of the façade of any new principal non-residential building visible from a public street shall be sealed by a Registered Architect.

**ARTICLE 4
SUPPLEMENTAL REGULATIONS**

401. APPLICABILITY.

This Article 4 establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply. For uses allowed within a specific Zoning District as “Special Exception” Uses, see also the procedures and standards in §116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Each of the following uses shall meet all of the following requirements for that use:

A. Adult Day Care Center.

1. Shall be fully licensed by the State, if required by the State.
2. Shall include constant supervision during all hours of operation.

B. Airport, Heliport, or Helistop.

1. See definitions in Article 2. A “Local Airport” shall only be allowed if it meets the definition for a Local Airport.
2. As part of a special exception approval, the Zoning Hearing Board shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
3. As part of a special exception application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.
4. A Local Airport shall not include any take-offs or landings of aircraft between the hours of 9:00 p.m. and 7:00 a.m., except for emergencies.
5. Minimum lot area – 50 acres.

C. Animal Cemetery.

1. All the requirements for a “cemetery” in §402.K shall apply.
2. The applicant shall prove to the satisfaction of the Zoning Officer that the use will not threaten the public health and groundwater quality.

D. Animal Husbandry, Commercial.

1. “Concentrated animal feeding operations” shall only be permitted as a special exception use, and shall only be permitted in the zoning districts authorized in Article 3.
2. Minimum lot area – 5 acres, except a minimum lot area of 50 acres and a minimum lot width of 500 feet shall apply for a “concentrated animal feeding operations” use.
3. Except for a “concentrated animal feeding operations” use, any structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from any lot line of an existing dwelling, and 2) 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this §402.D where the applicant proves that there is no reasonable and feasible alternative.

4. For a “concentrated animal feeding operations” use, any structure or feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from any lot line of an existing dwelling, 2) 1,000 feet from any existing dwelling, and 3) 300 feet from all other exterior lot lines. The outer perimeter of the land area onto which waste is applied from a lagoon from a swine farm shall be a minimum of 50 feet from any lot line.
5. The setbacks from property lines shall not apply from dwellings or residential lots owned by: 1) the operator or owner of the livestock use or 2) affected property owners providing a written notarized letter waiving such setback.
6. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
7. The keeping of minks or garbage-fed pigs shall be set back a minimum of 600 feet from all lot lines. For any garbage-fed pigs, the applicant shall provide a written statement of the methods to be used to control odors, pests, rodents and health hazards.
8. For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.
9. New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
 - a. not be located within the 100 year floodplain;
 - b. not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir,
 - c. not be located within 100 feet of a private water well or open sinkhole,
 - d. not be located within 100 feet of an active public drinking well or an active intake for a public water supply.
10. New or expanded manure storage facilities shall not be located within 200 feet of a property line.
11. The following additional requirements shall apply to “concentrated animal feeding operations” use:
 - a. The applicant shall submit the plans, including a soil and water conservation plan, to the County Conservation District for review. A stormwater management plan shall be submitted to the Township Engineer, who shall provide a review to the Zoning Hearing Board. The applicant shall be responsible to pay for the costs of such reviews.
 - b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that:
 - (1) Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. A written odor control plan shall be submitted and shall be complied with if approved. Such plan shall describe methods that will be used to properly dispose of dead animals.
 - (2) The applicant shall show compliance with applicable State and Federal environmental regulations.
 - (3) The location of the facility is based upon a consideration of prevailing wind patterns.
 - (4) A 50 feet wide landscaped area will be provided adjacent to any lot line of a dwelling.
 - (5) The driveway, driveway entrance and adjacent roads are suitable to accommodate the amounts and sizes of truck traffic that will be generated by the use. The Board may require that the driveway be improved as necessary to control dust. A turnaround shall be provided so that trucks do not need to back out onto a public road.

- (6) Sufficient water supplies are available to serve the facility without adversely affecting water supplies of neighboring properties.
- c. The applicant shall provide a written comparison of the proposed methods of controlling nuisances and avoiding pollution to standard guidelines on such matters published by the State Department of Agriculture, State Department of Environmental Protection, Pennsylvania State University and industry associations, including Penn State's Manure Management Manual.
12. The maximum building coverage shall be 10 percent, unless a more restrictive requirement applies under another section.
13. See also "Composting" in §403.D.5.
- E. Animal Shelter or Kennel. Kennels are considered regional uses permitted only in certain districts in the Planning Region in accord with §306.A and are not permitted in Ross Township. Animal shelters and changes and expansions of nonconforming kennels in Ross Township shall be subject to the following requirements:
1. Noise Barrier. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.
 2. Hours Outdoors. All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 a.m.
 3. Wastes. All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the required setbacks until disposed of and proof of such of disposal shall be provided to the Township.
 4. Nuisances. All animal wastes shall be stored in an area meeting the required setbacks and shall be disposed of properly.
- F. Assisted Living Facility/Personal Care Home. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
- G. Bed and Breakfast Inn.
1. Within a residential district (where permitted under Article 3), a maximum of five (5) rental units shall be provided and no more than three (3) adults may occupy one rental unit. No maximums shall apply within other permitted districts.
 2. One off-street parking space shall be provided for each rental unit. To the maximum extent feasible, off-street parking shall be located to the rear of the principal building, and not within the minimum front setback. If off-street parking is located within the front setback, it shall be separated from the street by substantial landscaping.
 3. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of six (6) square feet on each of two (2) sides and with a maximum height of eight (8) feet. No internal lighting of the sign shall be permitted.
 4. The use shall have a residential appearance and character.
 5. The use shall be owned, operated and managed by the owners of the property, who shall also occupy the dwelling utilized for the use as their primary residence.

6. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
7. No guest shall stay for more than 14 days in any month.

H. Boarding or Lodging House.

1. Minimum lot area – 2 acres.
2. Minimum side building setback – 30 feet side.
3. Minimum lot width – 200 feet.
4. Maximum density – 6 bedrooms per acre; shall serve a maximum total of 20 persons.
5. Each bedroom shall be limited to two (2) adults each.
6. A buffer yard with screening meeting §803.D shall be provided between any boarding house building and any abutting dwelling.
7. See also standards for “assisted living facility” which is a separate use.
8. Signs – shall be limited to two (2) wall signs with a maximum of 2 square feet each.
9. Rooms shall be rented for a minimum period of five (5) consecutive days.

I. Camp/Retreat or Campground or Recreational Vehicle Park.

1. For each acre of total lot area, there shall be a maximum average of:
 - a. 3 recreational vehicle sites,
 - b. 4 tent sites or
 - c. cabin sleeping capacity for 8 persons.

Such sites may be clustered in portions of the tract.
2. Any store shall be limited to sales of common household and camping items to persons camping on the site.
3. A commercial campground or recreational vehicle park shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet.
4. Minimum lot area – 5 acres in a commercial district, 30 acres in any other district where the use is permitted under Article 3.
5. All campsites, recreational vehicle sites, buildings and vehicle parking shall be set back a minimum of 150 feet from all residential lot lines. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
6. Buildings used for sleeping quarters shall not be within the 100-year floodway. No campsites or buildings shall be located on slopes over 15 percent slope.
7. Maximum impervious coverage – 10 percent.

8. At least one gravel or paved entrance road shall be provided from a public street, with a minimum width of 20 feet.
9. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No tent or recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family.
10. Any camp/retreat or campground or recreational vehicle park shall also meet the applicable requirements of the Subdivision and Land Development Ordinance. Where the provisions of the SALDO directly conflict with the provisions of this Ordinance, the provisions of this Ordinance shall apply.

J. Car or Truck Wash.

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

K. Cemetery.

1. Minimum lot area – 2 acres, which may be on the same lot as an allowed place of worship.
2. A crematorium, where allowed, shall be set back a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
3. All structures and graves shall be set back a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the future right-of-way of any public street and 10 feet from the cartway of an internal driveway or any other lot line.
4. No grave sites shall be located within the 100-year floodplain.
5. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

L. Club/Lodge, Private.

1. See definition in Article 2.
2. Any active outdoor play areas shall be set back at least 30 feet from any abutting “residential lot line.” Such setback shall be landscaped with trees and shrubs.

M. Commercial Communications Antennae as principal or accessory use.

1. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - a. In a district other than a commercial district: The antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - (1) a principal agricultural building or silo,
 - (2) an electric high voltage transmission tower,
 - (3) an existing lawful commercial communications tower,
 - (4) a fire station or steeple or bell tower of a place of worship, or
 - (5) a water tower.
 - b. In a commercial district: The antennae shall extend a maximum of 40 feet beyond an existing building or structure (not including a dwelling or a primarily residential lot), provided the antenna is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
2. Any commercial communications antenna/tower that does not meet §402.M.1 shall only be allowed where specifically authorized in §306.B, and in compliance with the following additional regulations:
 - a. Such antenna/tower shall be set back the following distances from lot lines, whichever is greater:
 - (1) a distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna/tower above the surrounding ground level; or
 - (2) the applicable principal building setback.
 - b. A new tower, other than a tower on a lot of an emergency services station, shall be set back a minimum distance of 200 feet plus the total height of the tower above the surrounding ground level from any existing dwelling.
 - c. A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - d. The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the latest published version of the BOCA Building Code, or its successor code.
 - e. The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region
 - f. An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one mile radius shall be considered, in addition to other reasonable opportunities. The Zoning Hearing Board may require that an applicant reimburse the Township a maximum amount of \$1,000 to conduct an independent professional review of the applicant's evidence.
 - g. A maximum total height of 200 feet above the ground shall apply in a commercial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.

- h. The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
 - i. A new tower shall only be granted special exception approval in the CR or RR districts if the applicant proves to the satisfaction of the Zoning Hearing Board that there are no suitable locations for the antenna on existing towers and/or within commercial districts
 - j. A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
 - 3. Purposes – These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - a. To protect property values.
 - b. To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - c. To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
 - 4. A tower/antenna that serves emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
 - 5. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - 6. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
 - 7. If a tower would be within 150 feet of the centerline of a perennial creek, natural gas or propane is recommended for any emergency power source, instead of battery and/or gasoline powered generators.
 - 8. If a new tower is proposed within 1 mile of the Appalachian Trail, a letter shall be sent to the Appalachian Trail Conference notifying them of the proposal at least 10 days before any hearing.
 - 9. If an Environmental Impact Study or Environmental Assessment is required by Federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable Federal agency.
- N. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.
- 1. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
 - 2. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:

- a. The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - b. The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than three (3) off-street parking spaces in the required front setback.
3. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 4. Dumpster Screening – See §806.
 5. A maximum total of four (4) dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance.
 6. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of §801.C.

O. Day Care Center, Child.

1. See also “Day care: Family Day Care Home or Group Day Care” as an accessory use in §403.D.6.
2. The use shall comply with any applicable state and federal regulations, including having an appropriate PA Department of Public Welfare (or its successor agency) registration certificate or license.
3. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
4. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 1 acre and a minimum setback of 20 feet from an abutting “residential lot line.”
5. The use shall include secure fencing around outdoor play areas.
6. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be set back a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
7. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
8. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
9. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
10. See also the standards for a “Place of Worship” in this Section, which allows a day care center as an adjunct use.

P. Forestry.

1. Intent. It is the intent of the following regulations to conserve forested open space and its environmental, economic, recreation, wildlife and amenity values by promoting good forest stewardship; protect the rights of adjoining property owners; and minimize the potential for adverse environmental impacts.
2. Applicability. Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts.

These regulations apply to all timber harvesting within the Township where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement. These provisions apply to privately and publicly owned property. These provisions apply to any site where there will be clearing of trees for any purpose, if lumber will be removed from the site.

3. Notification and Preparation of a Logging Plan.

- a. Notification of commencement or completion. For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- b. Logging Plan. Every landowner on whose land timber harvesting is to occur shall have a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMPs) for forestry found in the publications *Best Management Practices for Pennsylvania Forests*, *Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands*, and *Controlling Erosion and Sedimentation from Timber Harvesting Operations*.
- c. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

4. Contents of the logging plan.

- a. Minimum requirements. As a minimum, the logging plan shall include the following:
 - (1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
 - (2) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 - (3) Design, construction, and maintenance of stream and wetland crossings;
 - (4) The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- b. Map. Each logging plan shall include a sketch map or drawing containing the following information:
 - (1) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - (2) Significant topographic features related to potential environmental problems;
 - (3) Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
 - (4) Location of all crossings of waters of the Commonwealth;

- (5) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- c. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state regulations, including but not limited to, the following:
 - (1) Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1 et seq.). An erosion and sedimentation plan shall be on-site and shall be approved by the York County Conservation District when required.
 - (2) Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
- 4. Relationships of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in paragraphs (a) and (b) of this section, provided that all information required by these paragraphs is included or attached.
- 5. Forest practices. The following requirements shall apply to all timber harvesting operations in the Township.
 - a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 - b. No tops or slash shall be left within twenty-five feet of any public thoroughfare or private roadway providing access to adjoining residential property.
 - c. All tops and slash between twenty-five and fifty feet from a public roadway or private roadway providing access to adjoining residential property or within fifty feet of adjoining residential property shall be lopped to a maximum height of four feet above the ground.
 - d. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - e. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - f. Skid trail, skid road, haul road, and landing area design shall be consistent with PA Department of Environmental Protection guidelines.
 - g. Routes using municipal roads shall be approved by the Township Supervisors. The Supervisors will also set the maximum gross weight permissible on municipal roads.
 - h. Hours during which harvesting can occur are subject to the approval of the Township Supervisors.
 - i. Landing or staging areas and haul or skid roads shall be restored and reseeded after the harvest is complete. Site access roads shall be closed to the general public.
- 6. Responsibility for road maintenance and repair; road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to municipal roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to

furnish a bond to guarantee the repair of such damages. No mud or debris shall remain on public roads.

7. Enforcement.

- a. The Zoning Officer or other party designated by the Township Supervisors shall be the enforcement officer for this Section.
- b. Inspections. The Zoning Officer or other designated party may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this section and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

Q. Functional Family.

1. Purpose. This §402.Q is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.
2. Special Exception; Standards. The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the standards of §116.C and, among others, the following considerations:
 - a. The proposed occupants:
 - (1) Share a strong bond or commitment to a single purpose (e.g. religious orders);
 - (2) Are not legally dependent on others not part of the functional family;
 - (3) Can establish legal domicile as defined by Pennsylvania law;
 - (4) Share costs of food, rent or ownership, utilities and other household expenses;
 - (5) Prepare food and eat together regularly;
 - (6) Share in the work to maintain the premises;
 - (7) Legally share in the ownership or possession of the premises; and
 - (8) Share the entire dwelling unit or act as separate roomers.
 - b. Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:
 - (1) The length of stay together among the occupants in the current dwelling unit or other dwelling units;
 - (2) The presence of minor, dependent children regularly residing in the household;
 - (3) Whether the household is a temporary living arrangement or a framework for transient living; and
 - (4) Whether the composition of the household changes from year to year or within the year.
 - c. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.
3. Conditions. The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

R. Golf Course.

1. The course shall be designed in a manner that minimizes the chance of golf balls going into streets or onto property outside of the golf course.

2. Any lighting of golf holes or a driving range shall only be allowed in a manner that minimizes nuisances for nearby dwellings. Any lighting for nighttime use of a driving range shall only be allowed if there are no dwellings within 1,500 feet within the direct path of the lighting.
 3. Any restaurant, tavern or clubhouse shall be located a minimum of 200 feet from the lot line of a dwelling, unless such restaurant/tavern/clubhouse is within a commercial district.
 4. Maximum impervious coverage for portions that are not within a commercial district – 10 percent.
- S. Group Home. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
1. See definition in Article 2.
 2. A Group Home shall not include any use meeting the definition of a “Treatment Center.”
 3. A Group Home shall include the housing of a maximum of six (6) unrelated persons, except:
 - a. if a more restrictive requirement is established by another Township Code;
 - b. the number of bona fide paid professional staff shall not count towards such maximum; and
 - c. as may be approved by the Zoning Hearing Board under §111.D.
 4. The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves five (5) or more residents, then 24 hour on-site staffing shall be provided.
 5. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
 6. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
 7. Any medical or counseling services shall be limited to a maximum of three (3) non-residents per day. Any staff meetings shall be limited to a maximum of five (5) persons at one time.
 8. Parking – See Article 6.
 9. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings. The only no sign that may identify the use shall have a maximum sign area of 1 square feet.
 10. The persons living on site shall function as a common household unit.
- T. Hotel or Motel.
1. See definitions in Article 2 which distinguish a hotel/motel from a boarding house.
 2. Buildings shall be a minimum of 60 feet from any “residential lot line.”
 3. Tractor-trailer truck parking shall be a minimum of 100 feet from any “residential lot line.”
 4. A 50 feet wide buffer yard meeting §803.D shall be required adjacent to any residential lot line.
- U. Junkyard.

1. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
2. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
3. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
4. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with §803.D, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
5. Burning or Incineration is prohibited.
6. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
7. Lot area - 2 acres minimum; 20 acres maximum.
8. Tires - see the "Outdoor Storage and Display" standards in §403.D.13.
9. If a provision of this Ordinance directly conflicts with a specific provision of Ordinance No. 49 (the Township Nuisance Ordinance), the provision of this Ordinance shall apply instead of the provision of Ordinance No. 49. Where there is not a direct conflict between the two ordinances, the provisions that are most restrictive shall apply in each case.

V. Kenel. See §402.E

W. Mineral Extraction.

1. Application Requirements. A copy of all site plan information that will be required by the PA DEP shall also be submitted to the Township as part of the Zoning Application.
2. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer.
3. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
4. A 75 feet wide setback covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This setback shall include an earth berm with a minimum average height of 6 feet and an average of one (1) shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
5. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - a. 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,

- b. 150 feet from a commercial or industrial building, unless released by the owner thereof,
 - c. 250 feet from a “residential lot line”, other than an abandoned dwelling,
 - d. 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
- 6. The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two (2) acres.
 - 7. Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
 - 8. Fencing: The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
 - 9. Noise and Performance Standards. See Article 5.
 - 10. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
 - 11. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and related trucking and blasting operations to protect the character of adjacent residential areas.
 - 12. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- X. Mobile Home. Installed on an individual lot or within a mobile home park approved after the adoption of this ordinance.
- 1. Construction. Any mobile home placed on any lot after the adoption of this Ordinance shall be constructed in accord with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede building codes for the actual construction of the home itself.)
 - 2. Each site shall be graded to provide a stable and well-drained area.
 - 3. Each home shall have its hitch and tires removed.
 - 4. Anchoring. A mobile home on an individual lot or mobile home park shall include a system that secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring system shall meet the installation instructions provided by the manufacturer or the Building Code, whichever is more restrictive.
 - 5. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection e. shall not apply within a Manufactured/Mobile Home Park. Metal skirting shall only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided as necessary for access to utility connections.
 - 6. The front door of the home shall face onto a public street, except within a Mobile Home Park.

7. See also the regulations of §307.

Y. Mobile Home Park.

1. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile home park provisions of the Subdivision and Land Development Ordinance (SALDO) and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section). If a provision of the SALDO directly conflicts with this Ordinance, then the provisions of this Ordinance shall apply.
2. The minimum tract area shall be five (5) contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park. The tract shall have a minimum width at the minimum building setback line of 200 feet. Two abutting lots may be merged together to form a single mobile/manufactured home park.
3. Density. The maximum average overall density shall be three (3) dwelling units per acre.
 - a. To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodway or that has natural slopes of 15 percent or greater shall not be included.
 - b. Phases. If an existing mobile home park is to be expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the previously approved areas of the mobile home park. All expansions to an existing park shall also meet all other provisions of this and other applicable ordinances.
3. Landscaped Perimeter. Each mobile/manufactured home park shall include a 40 foot wide landscaped area including substantial attractive new and/or preserved evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. The same area of land may count towards both the landscaped area and the building setback requirements.
4. A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
5. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
6. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
7. Each home shall comply with the above requirements for Mobile Homes in §402.X.
8. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
9. Common Open Space for a Mobile Home Park. A minimum of 15 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. Areas with a width of less than 50 feet shall not count towards this requirement, except in the perimeter buffer yard.
10. Streets.
 - a. Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets

and shall not be from public streets exterior to the development.

- b. Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
 - c. Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
11. Utilities. All units within the mobile home park shall be connected to a central water and a central sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.
12. The following provisions shall apply to Mobile/Manufactured Home Parks that lawfully existed prior to the adoption of this Ordinance:
- a. The number of dwelling units shall not be increased, except in compliance with all of the provisions of this §402.Y.
 - b. One or more existing mobile home(s) may be replaced with a different mobile home as a permitted by right use without meeting all of the requirements of this §402.Y provided that all of the following requirements are met:
 - (1) the perimeter building setbacks of the property shall not be reduced from what previously existed, except as is necessary to accommodate a maximum 14 feet wide 70 feet long dwelling where a more narrow or shorter dwelling previously existed.
 - (2) the replacement dwelling shall meet all provisions of §402.X, and
 - (3) a minimum setback of 15 feet shall be maintained between the enclosed walls of each dwelling unit.

Z. Motor Vehicle Race Track.

- 1. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 250 feet from any lot line of lot that includes an existing dwelling.
- 2. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will meet the Township Noise Ordinance.
- 3. The applicant shall provide a written report by a professional traffic engineer. Such study shall analyze the Suitability of the area street system to accommodate the traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that tile area street system IS Suitable to accommodate the additional traffic.
- 4. All buildings, parking, loading and unloading areas shall be setback a minimum of 100 feet from any lot line of a lot that includes an existing dwelling.
- 5. Minimum lot area - 50 acres.
- 6. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will not cause a dust nuisance and that the use will meet the lighting regulations of §507.

AA. Outdoor Storage and Display. See this use under §403.D.13.

BB. Picnic Grove, Private.

1. All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be set back 100 feet from any residential lot line. The use shall not operate between the hours of 11:00 p.m. and 7:00 a.m.
2. See noise and glare standards in Article 5.
3. Minimum lot area – ten (10) acres.

CC. Place of Worship.

1. Minimum lot area – three (3) acres, except one (1) acre in the VC or GC district.
2. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be permitted if all of the requirements for such uses are also met, including being permitted in the applicable district.
3. A maximum of one dwelling unit may be accessory to a place of worship on the same lot. Such dwelling shall only be used to house one “family.”
4. Such use shall be adjacent to a collector or arterial street that is in public ownership.

DD. Recreation, Outdoor. (other than “Publicly-Owned Recreation”)

1. Any outdoor activity area shall be located no closer to any lot line than the required front setback depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
2. A 20 feet wide buffer yard in accord with §803.D shall be required.
3. Any swimming pool shall meet the requirements for such use, as stated in §402.NN.
4. Lighting, noise and glare control – See §507.
5. The minimum lot area shall be 10 acres, unless a more restrictive lot area is established by another section of this Ordinance.
6. Maximum impervious coverage in any residential district – 5 percent.
7. Maximum building coverage in any non-residential district – 15 percent.
8. A site plan meeting the requirements of §130.D shall be submitted to the Township.
9. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
10. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
11. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more

restrictive hours are established as a condition of any needed approval.

12. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

EE. Recycling Facility.

Recycling facilities are considered regional uses permitted only in certain districts in the Planning Region in accord with §306.A.4 and are not permitted in Ross Township. Changes and expansions of nonconforming recycling facilities in Ross Township shall be subject to the following requirements:

1. This use shall not be bound by the requirements of a Solid Waste Landfill.
2. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
3. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
4. A 20 feet wide buffer yard with screening as described in §803.D shall be provided between this use and any abutting "residential lot line."
5. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
6. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
7. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
7. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds.
9. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

FF. Residential Conversions. See "Conversions of an Existing Building" within this Section.

GG. Restaurant.

1. Screening of Dumpster and Waste Containers – See §806.
2. See "Drive-in" stand/use in §403.D.7
3. Drive-in service shall only be provided where specifically permitted in the applicable district regulations.

HH. School, Public or Private, Primary or Secondary

1. Minimum lot area – three (3) acres.
2. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.

3. The use shall not include a dormitory unless specifically permitted in the District.

II. Self-Storage Facility.

1. All storage units shall be of fire-resistant construction.
2. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No “junk vehicles” shall be stored within view of a public street or a dwelling.
3. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
4. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
5. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
6. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
7. See §803.D concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting §803.D. Any fencing shall be placed on the inside of the plantings.
8. Minimum separation between buildings - 20 feet. Maximum length of any building - 300 feet.

JJ. Shooting Range, Outdoor Commercial.

1. All ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
2. The applicant shall provide evidence that the noise limits of the Township Noise Ordinance will be met for any target range approved after the adoption of the Noise Ordinance.
3. An indoor firearms range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
4. A range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.

KK. Solar Power Generation, Commercial. In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Use Regulations.

1. Purposes.
 - a. Location and Number. Accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
 - b. Critical Development Areas. Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.
 - c. Grid Infrastructure Costs. Minimize utility grid infrastructure development costs by requiring solar facilities to

be near substations with the capacity to accommodate the generated electricity

- d. Traffic. Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

2. Permits; Use Regulations.

- a. Permits. A permit shall be required for every solar power facility installed in the Township.
- b. Associated Use. All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.
- c. Solar Power Facility as a Second Principal Use. A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
 - (1) The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - (2) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (3) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

3. Standards and Design.

- a. Parcel Size; Location; Setbacks; Lot Coverage.
 - (1) The minimum parcel size shall be ten (10) acres.
 - (2) The parcel shall not be more than three (3) miles from a utility substation with the capacity to service the proposed facility.
 - (3) The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet from property lines.
 - (4) The maximum lot coverage shall be seventy-five (75) percent and the area of the solar collectors shall be included in the calculation of lot coverage.
- b. Height. Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
- c. Fencing. A fence may be required around the facility or portions of the facility for safety reasons.
- d. Landscaping. Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

- e. Licenses; Other Regulations; Insurance. The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.
- f. Access; Required Parking. Access to the solar power facility shall be provided by means of a public 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 gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- g. Communications Interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- h. Glare. The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.
- i. Historic Structures. A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.
- j. Standards; Certification. The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- k. Uniform Construction Code. To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- l. Electrical Components. All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- m. Warnings. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.
- n. Signs. No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- o. Transmission And Power Lines. On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- p. Stray Voltage/Electromagnetic Fields (EMF). The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- q. Emergency Services. The applicant shall provide details about any fire suppression system installed in any

accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.

- r. Site Plan. A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.
4. Public Inquiries and Complaints. The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.
5. Decommissioning.
- a. Time Limit. The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 - b. Depth Requirement. Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
 - c. Disturbed Earth. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - d. Professional Engineer. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (decommissioning costs) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (net decommissioning costs). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
 - e. Financial Security Bond. The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Township Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Township Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
 - f. Funds. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
 - g. Landowner Responsibility. If the solar power facility owner or operator fails to complete the decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
 - h. Township Intervention. If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
 - i. Release of Decommissioning Funds. The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been

satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

LL. Solid Waste Landfill.

1. All solid waste storage and processing shall be at least 200 feet from the following: public street, right-of- way, exterior lot line, 100 year floodplain, wetland or edge of a surface water body (including a water filled quarry).
2. All areas to be used for the storage, disposal or incineration of solid waste shall be a minimum of 500 feet from any residential district or publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase or the banks of any perennial creek or river.
3. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
4. No burning or incineration shall occur.
5. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
6. Open dumps and open burning of refuse are prohibited.
7. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing unusual numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
8. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
9. A chain link or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
10. A Minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
11. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
12. Attendant. Ail attendant shall be present during all periods of operation or dumping.
13. Gates. Secure gates, fences, earth Mounds and/or dense vegetation shall prevent unauthorized access.
14. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice 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.
15. Under authority granted to the Township under Act 10 1 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.

16. Tires. See "Outdoor Storage and Display" in §403D.13.
 17. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 18. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 19. Tile applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 20. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA DEP at the same time as they are submitted to DEP.
 21. All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
- MM. Stable, Commercial. Commercial stables, including horses for hire, shall, in addition to all other applicable requirements of this Ordinance, comply with the following requirements:
1. 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.
 2. Number of Horses. The number of horses permitted shall not exceed one (1) horse per every one (1) acre of land.
 3. Building Size. The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
 4. Fences. All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
 5. 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.
 6. Setbacks. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 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.
 7. Nuisances; Manure Management. The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
 8. Uses Permitted. The following types of uses shall be permitted as part of the horse farm operation.
 - a. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - b. Training of horses, and necessary buildings and structures, including facilities for training only, which are set

back in accord with §402.MM.6.

- c. Boarding of horses, and necessary buildings and structures.
- d. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
- e. Sale of horses other than the horses raised or boarded on the premises.
- f. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

NN. Swimming Pool, Non-Household.

- 1. The water surface shall be set back at least 50 feet from any existing dwelling.
- 2. Minimum lot area – 1 acre.
- 3. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting §803.D.
- 4. The water surface shall be surrounded by a secure, well-maintained fence at least six (6) feet in height.
- 5. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

OO. Townhouses/Rowhouses and Apartments.

- 1. Maximum Number of Townhouses Attached in Any Manner. 8.
- 2. Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- 3. Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- 4. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- 5. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five (5) or more dwelling units shall have its own driveway entering onto an arterial or collector street. Instead, such dwellings shall have driveways that first enter onto local streets, shared driveways, parking courts or similar features.

PP. Vehicle and Equipment Repair Operations.

- 1. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
- 2. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to

adjacent lots. See standards in Article 5. See buffer yard requirements in §803.D.

3. Outdoor storage of vehicles and equipment shall not be within any required buffer yard or street right-of-way. No “abandoned or junk vehicle” shall be stored within 20 feet of an existing street right-of-way.
4. Overnight outdoor storage of “junk” other than permitted “abandoned or junk vehicles” shall be prohibited within view of a public street or a dwelling.
5. Any “abandoned or junk vehicle” (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of 6 “abandoned or junk vehicles” may be parked on a lot outside of an enclosed building at any one time. Any “abandoned or junk vehicle” stored outside overnight shall be screened from view of adjacent dwellings.
6. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.

QQ. Vehicle and Equipment Sales or Rental Operation and Sample Homes.

1. No vehicle, equipment or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in §803.D.
2. See light and glare standards in §507.
3. See parking requirements in Article 6.
4. Any sample home on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

RR. Veterinary Clinic. (includes Animal Hospital)

1. Minimum lot area – 1 acre.
2. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any “residential lot line.” Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
3. Outdoor animal runs may be provided for small animals for use between 8:00 a.m. and 8:00 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
4. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

SS. Wind Energy Facilities. In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind farms which shall be permitted as conditional uses only in the districts as provided by the Schedule of Uses.

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.

2. Permits; Use Regulations.

- a. Permits. A permit shall be required for every wind farm and windmill installed at any location in the Township.
- b. Associated Use. All other uses ancillary to the wind farm (including a business office, maintenance depot,, etc., greater than 1,000 sq. ft.) are prohibited from the wind farm, unless otherwise permitted in the zoning district in which the wind farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind farm.
- c. Wind Farm as a Second Principal Use. A wind farm shall be permitted on a property with an existing use subject to the following land development standards:
 - (1) The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind farm and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 - (2) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (3) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

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.
 - (3) Principal Structures. No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- c. Wind 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.
4. Public Inquiries and Complaints. The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

5. Decommissioning.

- a. Time Limit. The facility owner and operator shall, at its own expense, complete decommissioning of the facility, or individual components, within twelve (12) months after the end of the useful life of the facility or individual components. The facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- b. Depth Requirement. Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- c. Disturbed Earth. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- d. Professional Engineer. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- e. Financial Security Bond. The facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- f. Funds. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- g. Landowner Responsibility. If the facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- h. Township Intervention. If neither the facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- i. Release of Decommissioning Funds. The escrow agent shall release the decommissioning funds when the facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

- 6. Wind Test Towers. Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with other applicable requirements of this Ordinance. Such towers shall be removed within eighteen (18) months of installation.

TT. Correctional Facilities. In addition to all other applicable standards, correctional 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.

- 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.

2. Site Design Standards. The site shall be improved in accordance with the following minimum requirements:
 - a. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - (1) residence
 - (2) group care facility
 - (3) commercial enterprises catering primarily to persons under eighteen (18) years of age
 - (4) public or semi-public building 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.
3. Security. The application for a correctional facility 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.
4. Accessory Uses and Ancillary Activities. Accessory uses permitted in conjunction with the facility 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.

UU. Short Term Rentals

- a. Permit. Possession of a current valid Short Term Rental Permit issued by the township in accordance with the F Ross Township Short-Term Rental Ordinance.
- b. Meals. Meals shall no be provided to overnight guests of the establishment.
- c. Sewage disposal and occupancy. Sewage disposal meeting the requirement of the Township and PA DEP shall be provided.
- d. Nonconforming lots. Short-term rentals shall not be permitted on lots which are nonconforming in minimum lot area.
- e. Parking. Adequate off-street parking shall be provided in accord with Article 6.
- f. PA Uniform Construction Code. All short-term rentals shall comply with PA Uniform Construction Code requirements as amended.
- g. Information required. In addition to the other information required by this section, the applicant shall include with the zoning permit application:
 - (1) The name, address, telephone number and email address of the owner of the short-term rental for which the permit is issued. If the Owner does not have a managing agency, agent or local contact person, then Owner shall provide a 24-hour telephone number.
 - (2) The name, address and 24-hour telephone number of the managing agency, agent or local contact person for the owner if the short-tem rental.
 - (3) The number of bedrooms and the maximum number of overnight occupants.
 - (4) If the building is a two-family or multi-family dwelling structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.
 - (5) A diagram or photograph of the premises showing and indication the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
 - (6) Copy of a current Monroe County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License.

403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.

- A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article 4 for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- C. Front Setback. No accessory structure, use or building shall be permitted in a required front setback in any district, unless specifically permitted by this Ordinance.
- D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
1. Animal Husbandry, Home Use.
 - a. The following minimum parcel sizes shall be required (including the dwelling unit):
 - (1) Livestock - 2 acres.
 - (2) Small animals and fowl – no minimum parcel size.
 - b. The following minimum front, side and rear setback distances shall be maintained for any pens (but not pasture areas), stables, barns, coops or other animal housing structures and for the indoor or outside storage of manure, by-products or waste:
 - (1) Swine - 100 feet.
 - (2) Other livestock - 75 feet.
 - (3) Small animals and fowl – 25 feet.
 - c. The maximum number of animals shall not exceed the following:
 - (1) Cattle, bison, swine and similar animals - 1 per acre with a maximum total of 3.
 - (2) Sheep, goats, llamas, alpacas, ostriches, emus, and similar animals - 4 per acre with a maximum total of 12.
 - (3) Small animals and fowl - 10 per acre with a maximum total of 30.
 - d. The raising of fur bearing animal(s) shall be prohibited.
 - e. All animals shall be confined to the property of the animals' owner.
 - f. Notwithstanding compliance with this §403.D.1, the keeping of any livestock or small animals and fowl which constitutes a public nuisance as regulated by the Township Nuisance Ordinance shall be prohibited.
 2. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
 3. Assisted Care Dwelling Unit for Relative.
 - a. The use shall meet the definition in Article 2.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be close "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
 - c. The applicant shall prove to the Zoning Hearing Board that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
 - d. The applicant shall establish a legally binding mechanism that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
 - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues

to reside within the accessory unit.

- f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines.
- g. Additional parking for the accessory unit may be waived by the Zoning Hearing Board as part of the special exception approval if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

4. Bees, Keeping of.

- a. Facilities for the keeping of bees shall be set back a minimum of 40 feet from any lot line and shall be fenced if within 100 feet of a lot line. Signs shall be erected as necessary to warn persons of the presence of bees.
- b. The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.

5. Composting as a principal or accessory use.

- a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
- b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
- c. Any composting of manure shall be restricted to lots of five (5) acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.

(1) Commercial bulk composting of manure brought to a site from land of four or more different landowners for off-site use shall be restricted to the RR, AC, or CR districts, and shall require special exception approval. Such composting shall meet all of the following requirements:

- (a) be a minimum of 500 feet from any “residential lot line,”
 - (b) involve all leachate and compost pad runoff being collected and properly treated,
 - (c) include compost wharves being constructed of an acceptable all-weather impervious surface,
 - (d) require that the applicant prove to the satisfaction of the Zoning Hearing Board that significant nuisances and health hazards will not be generated, as a result of adequate setbacks, procedures, siting and structures, and
 - (e) in addition, the Zoning Hearing Board may require that the operations occur within a completely enclosed building.
- d. Setbacks. Composting areas of greater than 1 acre shall be set back 75 feet from lot lines of abutting residential lot lines.

6. Day Care, Child – as accessory to a Dwelling

- a. See §306 and the definitions in Article 2 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.

- b. In any case, seven (7) or more children (other than children who are “related” to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 1 acre and a 20 feet minimum setback from all existing dwellings on another lot(s). Four (4) to six (6) children, in addition to children who are “related” to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
 - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. Any day care center involving seven (7) or more children shall be considered a principal use and meet the standards of §402.O for such use, if permitted.
 - e. The use shall be actively operated by a permanent resident of the dwelling.
 - f. If four (4) or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
 - g. See also “Day Care Center” as a principal use in §402.O.
 - h. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - i. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
7. Drive-in stand/use.
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. The use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. All facilities shall be designed to minimize conflicts with pedestrian traffic.
8. Farm-Related Business. This use shall be permitted by right on a lot of at least 25 acres, provided the following regulations are met for non-agricultural activities:
- a. A Farm-Related Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
 - b. A Farm-Related Business shall be conducted by a resident or owner of the property, his/her “relatives,” and a maximum total of four (4) other on-site employees, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Ordinance may be leased to a non-resident for a use meeting these standards.
 - c. To the maximum extent feasible, a Farm-Related Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Related Business. Any new building constructed for a Farm-Related Business and any new parking area for trucks shall be set back a minimum of

100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Related Business shall not exceed 6,000 square feet. The total area used by the Farm-Related Business, including parking, shall not exceed three (3) acres.

- d. The Farm-Related Business shall not routinely require the overnight parking of more than one (1) tractor-trailer truck.
- e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
- f. The business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9:00 p.m. and 7:00 a.m.
- g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week. This provision shall not restrict permitted sale of agricultural products.
- h. Only one sign shall advertise a Farm-Related Business, which shall have a maximum sign area of 12 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of ten (10) feet.
- i. The following activities, and activities that the applicant proves to the Zoning Officer are closely similar, shall be permitted as Farm-Related Businesses:
 - (1) farm equipment, farm vehicle or buggy repair,
 - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting,
 - (3) light welding and custom machining of parts,
 - (4) sale or mixing of seeds, feed and fertilizers, or mulch sales, provided a use that involves significant tractor-trailer truck traffic shall be located along an arterial or collector street,
 - (5) barber/beauty shops,
 - (6) construction tradesperson's headquarters,
 - (7) music, hobby, trade or art instruction for up to ten (10) persons at a time,
 - (8) small engine repair,
 - (9) custom woodworking or wood refinishing,
 - (10) custom blacksmithing or sharpening services,
 - (11) installation of accessories to motor vehicles,
 - (12) rental storage of household items and vehicles,
 - (13) boarding of animals, not including a kennel or a stable, which are treated separately,
 - (14) custom butchering, not including a commercial slaughterhouse or stockyard,
 - (15) processing and storage of agricultural products,
 - (16) sawmill,
 - (17) agritourism as defined in Article 2.
- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
- k. If an activity would be permitted as either a Farm-Related Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
- l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
- m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public

street.

- n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
- o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
- p. The applicant shall prove that adequate space will be provided for truck movements.

9. Retail Sales of Agricultural Products as an Accessory Use.

- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery or raising of livestock use.
- b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 30 percent of all items sold on-site shall have been produced by the operator of the use or his/her family. This average may vary month to month, provided that the average is met.
- c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
- d. All structures erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
- e. Signs. See Article 7.
- f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-way at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
- g. A maximum of 3,000 square feet of building floor area may be used for such use.
- h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
- i. The retail sales shall be located on land owned by the operator of the market or upon a tract of five (5) acres or more which the operator of the market actively farms.

10. Fences and Walls.

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. No fence, wall or hedge shall obstruct the sight requirements of §803.C.
- c. Fences.
 - (1) Front Setback. Any fence located in the required minimum front setback of a lot in a residential or VC district shall:

- (a) be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas,

- (b) not exceed 5 feet in height, and
 - (c) be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron or other material that closely resembles wood or wrought iron.
 - (2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front setback. A fence shall not be required to comply with minimum setbacks for accessory structures.
 - (3) Height. No maximum height shall apply to fences that are not within a residential district. A fence located in a residential district in a location other than a required front setback shall have a maximum height of 6.5 feet, except a maximum height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
 - (4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except where buffer plantings are required by §803.D. Where no setback is required, a 1 foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.
 - (5) Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
- d. Walls.
- (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
 - (2) No wall of greater than 3 feet shall be located in the required front setback in a residential district, except as a backing for a permitted sign as permitted in Article 7.
 - (3) A wall in a residential district outside of a required front setback shall have a maximum height of 3 feet if it is within the minimum accessory structure setback.
 - (4) Walls that are attached to a building shall be regulated as a part of that building.
11. Garage Yard, Lawn, Tag Or Estate Sale. The use shall comply with the Township Garage Sale Ordinance.
12. Home Occupations.
- a. All home occupations shall meet the following requirements:
 - (1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one (1) person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property. These maximums may be increased to three (3) non-resident employees if the use is adjacent to an arterial or collector street, or as provided as a special exception in “(13)” below.
 - (2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.

- (3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
- (4) One (1) off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
- (5) The use shall not require delivery by tractor-trailer trucks.
- (6) The regulations of §403.D.15 regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
- (7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of “toxic” or “highly hazardous” substances.
- (8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
- (9) Any tutoring or instruction shall be limited to a maximum of three (3) students at a time.
- (10) A barber or beauty shop shall not include any non-resident employees.
- (11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
- (12) A Home Occupation may include one non-illuminated sign, as permitted by Article 7.
- (13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - (a) The Zoning Hearing Board may also permit up to three (3) non-resident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.
- (14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
- (15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
- (16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
- (17) A zoning permit shall be required for any home occupation.

- b. In addition to the requirements listed in “a” above, the following additional requirements shall apply to a “Light Home Occupation:”
 - (1) The use shall not routinely involve visits to the home occupation by more than ten (10) vehicles per day for business purposes.
 - (2) The use shall only involve the following activities:
 - (a) work routinely conducted within an office,
 - (b) custom sewing and fabric and basket crafts,
 - (c) cooking and baking for off-site sales and use,
 - (d) creation of visual arts (such as painting or wood carving),
 - (e) repairs to and assembly of computers and computer peripherals, and
 - (f) a construction tradesperson, provided that a maximum of one (1) non-resident employee shall routinely operate from the lot.
 - (3) On-site retail sales shall be prohibited.
 - c. No-impact home-based business, as defined in Article 2, shall be permitted as an accessory use in all zoning districts and a zoning permit shall be required.
13. Outdoor Storage and Display. Commercial or manufacturing as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 200 year floodplain.
 - c. Screening. See §803.D.
 - d. Any storage of more than 150 used tires shall only be permitted as part of a Township-approved junkyard. Any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.
14. Pets, Keeping of.
- a. This is a permitted by right accessory use in all districts.
 - b. No use shall involve the keeping of animals in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. A maximum combined total of eight (8) dogs and cats shall be permitted to be kept by residents of each dwelling unit, provided that in no case shall more than five (5) dogs be kept per dwelling unit.
 - (1) Such limits shall only apply to dogs or cats over six (6) months in age.
 - (2) Any greater number of dogs and/or cats shall need approval as a “kennel.”
 - d. See §403.D.1 for the keeping of fowl.
 - e. Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors

for neighbors.

- f. A minimum lot area of three (3) acres shall be required for the keeping of one adult horse, and four (4) acres for the keeping of two (2) adult horses. Any additional number of horses shall be considered a “commercial stable.”
- g. Any wolves, wolf-dog hybrids or venomous snakes shall be kept indoors or within a secure cage or fenced-in area of sufficient height.
- h. Any keeping of exotic wildlife shall comply fully with the State Game and Wildlife Code, and keeper of such wildlife shall be required to show evidence to the Zoning Officer upon request that they possess any permit that is required under State regulations.

15. Residential Accessory Structure or Use. (see definition in Article 2)

- a. Accessory structures and uses (other than fences) shall not be located within the required setbacks stated in §307.A, unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front setback, nor within any setback required to be equal in width to a front setback along a street on a corner lot.
- b. Accessory buildings in a residential district on a lot of less than two (2) acres shall meet the following requirements:
 - (1) Maximum total floor area of all accessory buildings – 1,000 square feet.
 - (2) Maximum of two (2) accessory buildings per lot.
- c. Height. See §307.B.
- d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - (1) the parking of a maximum of two (2) vehicles, each of up to 15,000 pounds aggregate gross vehicle weight, or
 - (2) the parking of one (1) vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.
- e. Repairs. Repairs of the following shall not occur on a principally residential lot:
 - (1) trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, or
 - (2) vehicles not owned or leased by a resident of the lot or his/her “relative.”
- f. See setback exceptions in §803.B.
- g. Commercial truck engines shall not be allowed to idle nor shall truck refrigeration units be left running for more than five (5) minutes in a residential district between the hours of 10:00 p.m. and 7:00 a.m.

16. Solar Collectors, Accessory. An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be

used to generate electricity for the principal structure to which it is accessory.

- a. Districts; Standards. Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §403.D.16 and other applicable standards of this Ordinance.
 - b. Excess Electricity. Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - c. Mounting. A solar energy system may be roof mounted or ground mounted.
 - d. Height.
 - 1) Roof Mounted. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
 - 2) Freestanding. A freestanding system shall not exceed the maximum building height for accessory buildings.
 - e. Setback.
 - 1) Roof Mounted. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - 2) Freestanding. Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
 - f. Accessory Building. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred fifty (150) square feet in area, eight (8) feet in height and shall not be located within any required front, side or rear setbacks.
 - g. Power Lines. All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
 - h. Uniform Construction Code; Manufacturer's Standards. The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
 - i. Removal. The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.
17. Swimming Pool, Household. (referred hereafter as "pool")
- a. Swimming pools, both in-ground and above ground, shall be provided with a barrier to access in accord with the building code in force in the Township.
 - b. Location. See setback requirements in §307.A. Patios around pools that are level with the average surrounding ground level are not required to be set back from lot lines. A pool is not permitted within a required front setback. A pool shall meet requirements of any water or sewer easement.
 - c. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property. Such method may be subject to approval of the Zoning Officer.
 - d. The Township does not assume responsibility for guaranteeing to the public that all new and existing pools

fully comply with these provisions.

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

a. Height.

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

b. Setback.

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

c. Uniform Construction Code; Manufacturer's Standards.

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

d. Climb Prevention/Locks/Fence.

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

e. Noise and Shadow Flicker.

- (1) Audible sound from an accessory wind turbine generator shall not exceed forty-five (45) dBA as measured at the property line of the parcel on which the accessory wind turbine generator is located. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.

- (2) Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
- (3) For the purposes of this §403.D.18.e, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
- f. Color and Lighting; FAA. Accessory wind turbine generators and support structures, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine shall be artificially lighted, except as required by FAA requirements.
- g. Speed Control. All wind turbine generators shall be equipped with manual and automatic over-speed controls to limit rotation of the wind rotor to a speed below the designed limits of the system .
- h. Utility Company. No wind turbine generator shall be installed until documentation has been provided that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off the grid systems shall be exempt from this requirement.
- i. Number on Property. No more than three (3) wind turbine generators shall be permitted (with a total output not to exceed 40 kilowatts) on a single property.
- j. Accessory Building. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred fifty (150) square feet in area, eight (8) feet in height and shall not be located within any required front, side or rear setbacks.
- k. Drawings; Site Plan- Permit applications shall be accompanied by detailed drawings of the wind turbine generator including the supporting structure, footings, electrical details and required equipment. The proposed installation shall be in compliance with the 2006 IECC and be certified by a professional engineer. A plot plan shall be provided to document all required setbacks, and a survey may be required.
- l. Certification. Upon completion of constructing a the wind turbine generator, and prior to operation, the installer shall certify that all components have been installed in accord with the plans and specifications that were submitted with the permit application.
- m. Excess Electricity. Accessory wind turbine generators shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- n. Removal. Any wind turbine generator that is inoperable and has not functioned for a period of twelve (12) months shall be deemed to have been abandoned and shall, upon notification by the Township, be subject to removal by the owner, at the owner's expense.

**ARTICLE 5
ENVIRONMENTAL PROTECTION**

501. EROSION CONTROL.

The landowner, person and/or entity performing any earth disturbance shall use sufficient measures to prevent soil erosion and sedimentation of creeks. See the Township Stormwater Management Ordinance.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Any earth disturbance over 20,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the Monroe County Conservation District.
- C. See State erosion control regulations and Township Stormwater Management Ordinance.

502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.

- A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
 - 1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
 - 2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
 - 3. Pollution to groundwater or surface waters, other than as authorized by a State or Federal permit.
 - 4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
 - 5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article 5, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
- C. See also the Township Ownership Nuisance Ordinance.

503. WETLANDS.

The Zoning Officer may require an applicant to prove that a suspect area proposed for alteration does or does not meet the State or Federal definition of a “wetland”.

504. FLOODPLAINS.

See Article 10.

505. NOISE.

The Township Noise Control Ordinance, as amended, shall apply.

506. ODORS AND DUST.

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

507. CONTROL OF LIGHT AND GLARE.

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an

inherent part of the project design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site. Any proposal which is considered a land development as defined by the Subdivision and Land development Ordinance shall be governed by the light and glare standards in the Subdivision and Land development Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of this §507 and violations shall be subject to the enforcement provisions of this Ordinance.

A. Purpose. To set standards for outdoor lighting to:

1. Provide for and control lighting in outdoor places where public health, safety and welfare are potential concerns;
2. Protect drivers and pedestrians from the glare of non-vehicular light sources;
3. Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources; and
4. Promote energy efficient lighting design and operation.

B. Applicability.

1. Applicability. This Section shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, manufacturing, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
2. Exemptions. The following lighting applications are exempt from the requirements of this Section:
 - a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
 - b. Lighting for public monuments and statuary.
 - c. Underwater lighting in swimming pools and other water features.
 - d. Low voltage landscape lighting.
 - e. Individual porch lights of a dwelling.
 - f. Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.
 - g. Temporary lighting for theatrical, television, performance areas and construction sites.
 - h. Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.
 - i. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards.

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

2. Luminaire Design.

a. Horizontal Surfaces.

- (1) For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
- (2) Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from this §507C.2. In the case of decorative street lighting, the Township may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria rather than full cutoff.

b. Non-horizontal Surfaces.

- (1) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- (2) Luminaires with an aggregate rated lamp output not exceeding 500 lumens, (e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp) are exempt from the requirements of this §507.C.2.b.

3. Control of Glare.

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

can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the 25 percent limit may be permitted.

- f. Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township. The use of motion detectors is permitted.
 - g. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
 - h. Light Spillover.
 - (1) Residential. The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs.
 - (2) Nonresidential. The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 initial footcandle, measured line-of-sight from any point on the receiving property.
 - i. Height. Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of 20 feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting, refer to §507.D.5.
 - j. The United States, state and other official flags may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
 - k. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum density shall not exceed 30 initial footcandles.
 - l. Soffit lighting around building exteriors shall not exceed 15 initial footcandles.
 - m. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communication towers is prohibited during hours of darkness, except as required by the FAA.
4. Installation.
- a. Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.
 - b. Poles supporting luminaires for the illumination of parking areas and located within the parking area or

directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, shielded by steel bollards or protected by other Township-approved means.

- c. Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.
 - d. Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
 - e. Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.
5. Maintenance. Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Ordinance.
6. Billboards and Signs. The lighting of new or relighting of existing billboards and signs shall require a Zoning Permit, which shall be granted when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
- a. Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Township that such a mounting arrangement is not possible. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.
 - b. Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
 - c. Electronic signs shall comply with the requirements of §710.
 - d. The illumination of a billboard within 400 feet of a residential use shall not be permitted.
 - e. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
 - f. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- D. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, use very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:
- 1. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A Visual Impact Plan, as set forth in §507.D.6, shall be required.
 - 2. Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of

a property within a residential district.

3. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 P.M., except in the occurrence of extra innings or overtimes.
4. The Township reserves the right to limit the number of illuminated sporting events per week or season.
5. Maximum mounting heights for recreational lighting shall be in accord with the following:
 - a. Basketball 20 feet
 - b. Football 70 feet
 - c. Soccer 70 feet
 - d. Lacrosse 70 feet
 - e. Baseball and softball
 - (1) 200 foot radius 60 feet
 - (2) 300 foot and larger radius 70 feet
 - f. Miniature golf 20 feet
See driving range in §507.D.1.
 - g. Swimming pool aprons 20 feet
 - h. Tennis 20 feet
 - i. Track 20 feet
 - j. All uses not listed 20 feet
including commercial recreational lighting not otherwise regulated in this §507.
6. Visual Impact Plan. To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required under §507.E, but also by a Visual Impact Plan that contains the following:
 - a. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
 - b. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
 - c. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of five (5) foot line-of-sight.
 - d. Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §507.C.3.
 - e. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.

f. A narrative describing the measures proposed to achieve minimum off-site disturbance.

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

1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs by location, orientation, aiming direction, mounting height, lamp, photometry and type.
2. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.
3. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
4. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
5. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
6. When requested by the Township, the applicant shall also submit a visual impact plan in accord with §507.D.6.
7. Plan Notes. The following notes shall appear on the lighting plan:
 - a. "Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan."
 - b. "The Township reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township."
 - c. "All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township."
 - d. "Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation."

F. Compliance Monitoring.

1. Safety Hazards. If the Zoning Officer determines that a lighting installation creates a safety hazard, enforcement proceedings shall be initiated in accord with §106.

2. Nuisance Glare and Inadequate Illumination Levels. If the Zoning Officer determines that a lighting installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the requirements of this Ordinance, enforcement proceedings shall be initiated in accord with §106.
- G. Nonconforming Lighting. A nonconforming lighting fixture or lighting installation shall be made to conform to the applicable requirements of this §507 when:
1. It is deemed by the Zoning Officer to create a safety hazard;
 2. It is replaced, abandoned or relocated;
 3. There is a change in use; or
 4. Minor corrective action is deemed appropriate by the Zoning Officer, to bring the fixture or installation into conformance with the requirements of this Ordinance. Minor corrective action shall be defined as having a cost not to exceed 25 percent of the cost of the replacement of the fixture or installation.
- H. Definitions. The definitions in this §507.H shall supplement the definitions in Article 2.

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

Footcandle - The amount of illumination the inside surface of a 1-foot radius sphere would receive if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot, and is measurable with an illuminance meter (light meter).

Full Cutoff - Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is "fully shielded."

Fully Shielded - A luminaire with opaque top and sides, capable of emitting light only in the lower photometric hemisphere as installed. See also "Full Cutoff."

Glare - Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or loss in visual performance and visibility.

IESNA - Illuminating Engineering Society of North America.

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

LED-Light Emitting Diode.

Lighting System - On a site, all exterior electric lighting and controls.

Light Trespass - Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lumen - As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

Luminaire - The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (reflector lens, diffuser) to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, Shielded Directional - A fully shielded luminaire with an adjustable mounting device allowing aiming in a direction other than straight downward.

508. STEEP SLOPES.

See §310.

ARTICLE 6
OFF-STREET PARKING AND LOADING

This Article 6 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the parking and loading area design standards in that Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this Article 6 and violations shall be subject to the enforcement provisions of this Ordinance.

601. AVAILABILITY AND USE OF FACILITIES.

- A. Availability. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term *parking space* includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. Location of Parking. Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §611 or §612.
- C. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this ordinance.
- D. Non-Parking Use. Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).
- E. Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this ordinance shall not in the future be reduced in number below the number required by this ordinance. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this ordinance, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- F. Garages and Carports. Garages and carports not in the public right-of-way may be considered parking spaces.

602. SITE PLAN; DESIGN.

- A. Site Plan. The project application shall include a site plan that shows the parking, loading and unloading area, and access design.
- B. General. Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- C. Pedestrian Access and Circulation. The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.
- D. Design. Off-street parking areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall

design shall be ample in size for the vehicles for which use is intended and stalls shall be a minimum of 10 feet by 20 feet with aisles of not less than 24 feet unless designed as required above.

603. ILLUMINATION.

In addition to the other applicable standards in this ordinance, all 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.

604. PUBLIC RIGHTS-OF-WAY.

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

605. PARKING BETWEEN PRINCIPAL STRUCTURE AND ROAD.

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

606. NUMBER OF SPACES TO BE PROVIDED.

The number of parking spaces required by this Article 6 shall be considered the minimum and maximum requirements unless modified in accord with this Article 6.

A. Parking Required for Nonresidential Uses.

1. Parking Generation Manual.

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

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

- a. Constructed. The number of paved parking spaces constructed shall conform to the Average Peak Period Demand as noted in the Parking Demand Table.
- b. Reserved. Space shall be reserved to allow for expansion to the 85th Percentile, as listed in the Parking Demand Table, unless a reduction or increase is approved in accord with §606.D.

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

- a. Constructed. The number of paved parking spaces constructed shall be 85 percent of the Average Peak Period Demand or Peak, whichever is reported in the Parking Demand Table.
- b. Reserved. Space shall be reserved to allow for expansion to 115 percent of the number of spaces required by §606.A.3.a unless a reduction is approved in accord with §606.D.

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

1. Single-Family Dwellings. 3 per dwelling unit.
2. Two-Family Dwellings And Multi-Family Dwellings. 2 per dwelling unit.

3. Multi-Family Senior Citizen Housing. 1 per dwelling unit.
4. Assisted Living Facilities or Personal Care Homes. 0.5 per dwelling unit.
- C. Township Required Reduction. In the case of parking for conditional uses and special exceptions, if the Board of Supervisors/Zoning Hearing Board determines that the number of parking spaces required by this Article 6 is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of 25 percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this Article 6.
- D. Applicant Proposed Reduction/Increase. The required number of parking spaces may be reduced or increased subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses and by the Zoning Hearing Board for uses classified as special exceptions. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any conditional use approval to permit such decrease or increase shall be subject to the following:
 1. Ordinance and Plan Consistency. The project design and parking space decrease shall be consistent with the purposes contained in this ordinance and the goals and objectives of the Township Comprehensive Plan.
 2. Quality of Design. The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.
 3. Local Conditions. In making its determination the Board of Supervisors or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.
 4. Burden; Conditions. If the Board of Supervisors or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase. The Board of Supervisors or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this ordinance, including, but not limited to, reserving parking.
- E. Form of Reservation. Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.
- F. Reserved Parking Disturbance and Stormwater. The reserve parking areas shall remain undisturbed or shall be landscaped, but shall be included in the calculations of lot coverage area and for stormwater management. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.
- G. Multiple Uses. (See also §612.) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
- H. Handicapped Parking. Parking for the handicapped shall be provided in accord with the Americans With Disabilities Act and shall count as part of the spaces required for the use by this Article 6.

607. LOADING AND UNLOADING AREAS.

- A. Type and Size. In addition to the required off-street parking spaces all uses shall provide adequate off-street areas for loading and unloading of vehicles where necessary. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify any necessary loading and unloading areas. Each required space shall meet the following dimensions:

| Largest Type of Truck Service | Minimum Width (feet) | Minimum Length (feet) |
|--|-----------------------------|------------------------------|
| Tractor trailer | 14 | 74 with 14 ft clear height |
| Trucks other than tractor trailers, pick-ups or vans | 12 | 30 |
| Pick-up truck or van | 10 | 20 |

- B. Interior Travelways. The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.

608. ACCESS TO OFF-STREET PARKING AND LOADING AREAS.

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

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

| WIDTH* | 1-Way Use | 2-Way Use |
|----------------------------------|------------------|------------------|
| Minimum | 12 feet | 24 feet |
| Maximum | 20 feet | 50 feet |
| *exclusive of the turning radius | | |

- B. Controlled Access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. Highway Occupancy Permit. All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, a highway occupancy permit or a revised highway occupancy permit shall be required if there will be increase in average daily traffic based on the most recent edition of the International Traffic Engineers Traffic Generation Manual. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.
- D. Interior Travelways. The applicant shall demonstrate that travelways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.

- F. Curbing. Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township.

609. PARKING AND LOADING AREA BUFFERS AND LANDSCAPING.

- A. Buffers and Landscaping. Parking area and loading area buffers and landscaping shall be provided in accord with §803.D and §804.
- B. Building Setbacks. Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of 10 feet from any building wall, unless a larger distance is required by another Ordinance provision. This distance does not apply at vehicle entrances into or under a building.

610. GRADING AND DRAINAGE; PAVING.

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

611. 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 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.

612. JOINT USE PARKING.

In the case of multiple uses on the same premises or where more than one (1) principal use shares a common property line, shared parking facilities may be approved by the Zoning Officer.

- A. Documentation. The applicant shall provide information to establish that the shared spaces will be used at different times of the day, week, month, and/or year.
- B. Reduction. Parking provided may be credited to both uses based on the extent that the uses operate at different times. However, the required parking shall not be reduced by more than 50 percent of the combined parking required for each use. (Example: If a church parking lot is generally occupied only to 10 percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)
- C. Agreement. Joint use parking shall be secured in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to maintain the parking. An attested copy of the agreement between the owners of record shall be provided to the Township. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.

613. SHOPPING CARTS.

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

614. SNOW STORAGE AND REMOVAL.

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

**ARTICLE 7
SIGNS****701. GENERAL.**

- A. Purpose. The Purpose of this Article 7 VII is to establish standards for the regulation of signs in order to safeguard the public interest and to:
1. preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
 2. establish reasonable time, place and manner for the exercise of free speech, without regulating content;
 3. protect property values and ensure compatibility with the character of neighboring uses;
 4. protect the general public from damage and injury which may be caused by the faulty construction of signs;
 5. protect pedestrians and motorists from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;
 6. promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
 7. assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
 8. enable the fair and consistent enforcement of the sign restrictions throughout the Township.
- B. Applicability – Effect. A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Article 7. The effect of this Article 7 as more specifically set forth herein is to:
1. establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Article 7;
 2. allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Article 7, but without a requirement for permits;
 3. provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
 4. prohibit all signs not expressly permitted by this Article 7.
- C. Requirement of Conformity. No sign, for which a permit is issued after the effective date of this Article 7, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Article 7 are declared to be nuisances, and as such may be abated as provided by law.
- D. Recommended types of signs. It is recommended that signs be:
1. Wood or simulated wood relief. (See §704.M.)
 2. Designed as an integral architectural element of the building and component of the site.
 3. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

702. DEFINITIONS AND INTERPRETATION.

Words and phrases used in this Article 7 VII shall have the meanings set forth in this Section. Words and phrases not defined in this §702 but defined in Article 2 shall be given the meanings set forth in said Article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article 7.

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

Abandoned Sign: A Sign located on a property or premise which is vacant and/or unoccupied for a period of six (6) months, or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the date of the damaging event and/or for which no legal owner can be found.

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

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

Applicant: A person or entity who applies for a sign permit in accord with the provisions of this Article 7.

Area of Sign: In the case of individual letters used as a sign, the area is ninety percent (90%) of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

Attraction Board: See *changeable panel sign*.

Automated Teller Machine Directional Sign: A directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated Teller Machine Sign: Any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning Sign: Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.

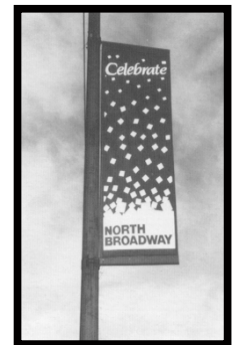
Banner Sign: A sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentalations applied to paper, plastic, fabric or similar material excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.



A-Frame / Sandwich Board



Awning Sign

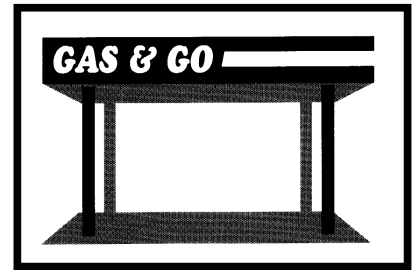


Banner Sign



Civic Event Banner

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



Canopy Sign on Freestanding Canopy

Business: For the purposes of this Article 7, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

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

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



Changeable Panel Sign

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

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

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

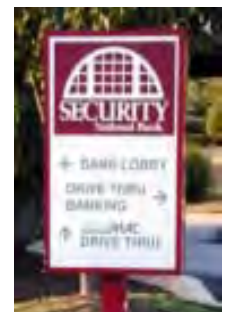


Development Sign

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

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

Directional Sign – An on-site sign, providing no advertising of any kind except the business name and logo, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.



Directional Sign

Directory Sign: A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

Double-Faced Sign: A sign with two faces, essentially back to back.

Easel Sign: A self-supporting, movable sign consisting of one face with supporting legs or a supporting frame, or a sign displayed on an easel.

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be



Directory

modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

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

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

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

Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building.

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: See *computation of height*.

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this Article 7.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Incidental or Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental or instructional.

Internal Illumination: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

LED: Light emitting diode.



Incidental Sign or Instructional Sign



Internal and External Illumination

Lineal Building Front Foot: The length of the building which contains the primary entrance used by patrons. In a center with more than one building, the linear building front foot shall be calculated for each building and totaled to determine the total lineal front foot for the center.

Logo: A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

Luminance: A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is *candelas per square meter* or *nits* ($1 \text{ nit} = 1 \text{ cd/m}^2$).

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

Monument Sign: A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.



Marquee Sign

Multiple Occupant Commercial Building: A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

Nameplate: A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

NIT: A unit of measure of luminance. See *luminance*.

Nonconforming Sign: Any sign which is not allowed under this Article 7, but which, when first constructed before this Article 7 was in effect and for which a sign permit was issued, was legally allowed.

Noncommercial Free Speech Sign: A sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters and which does not meet the definition of a *political sign*.

Occupancy: A purpose for which a building, or part thereof, is used or intended to be used.

Owner: A person recorded as such on official records. For the purpose of this Article 7, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

Panel: A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

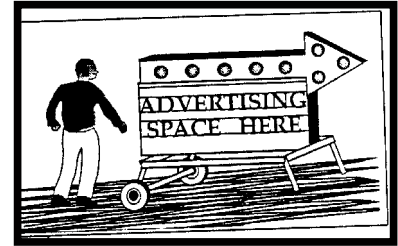
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this Article 7.

Plate Line: The point at which any part of the main roof structure first touches or bears upon an external wall.

Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

Projecting Sign: Any sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

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



Projecting Sign

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

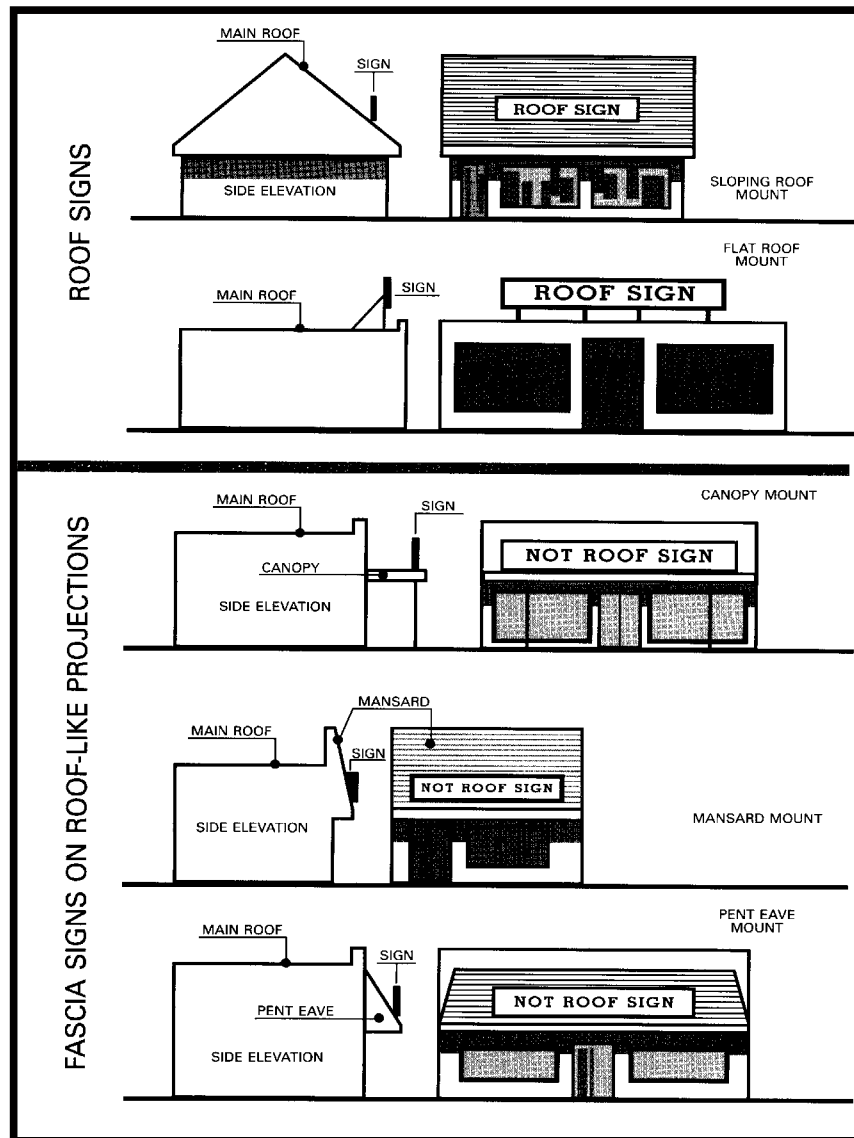
Roof Line: The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign: Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs.

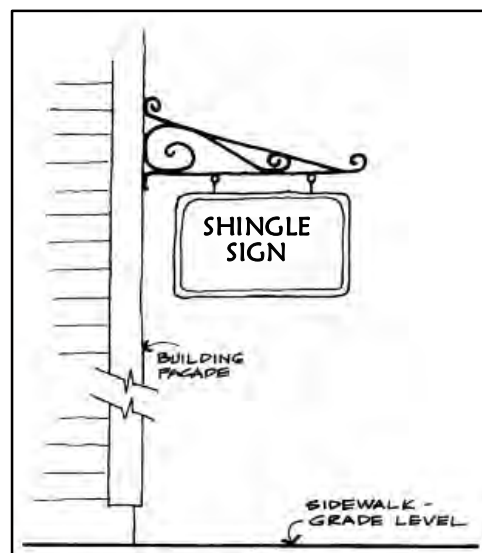
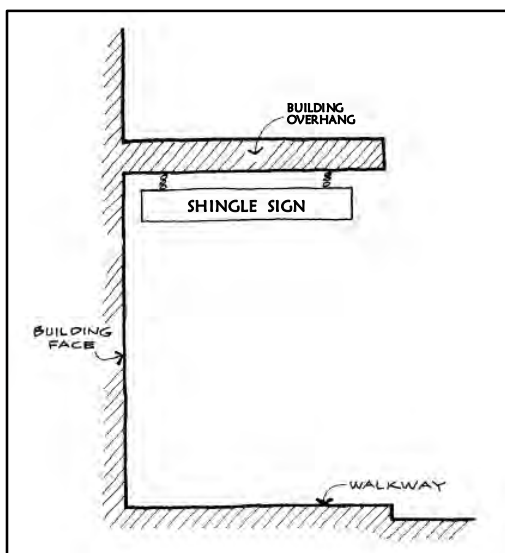
Shingle Sign: A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space. See the following illustrations.

Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Monroe County, the Township, or official historic plaques of any governmental jurisdiction or agency.

Snipe Sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects, the advertising matter appearing on which is not applicable to the present use of the premises upon which such sign is located.



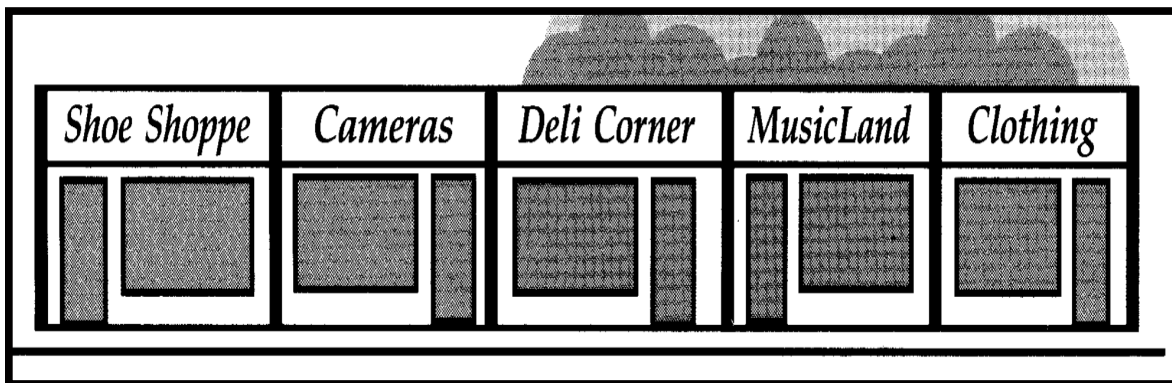
Comparison – Roof and Fascia Signs



Special Event: A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

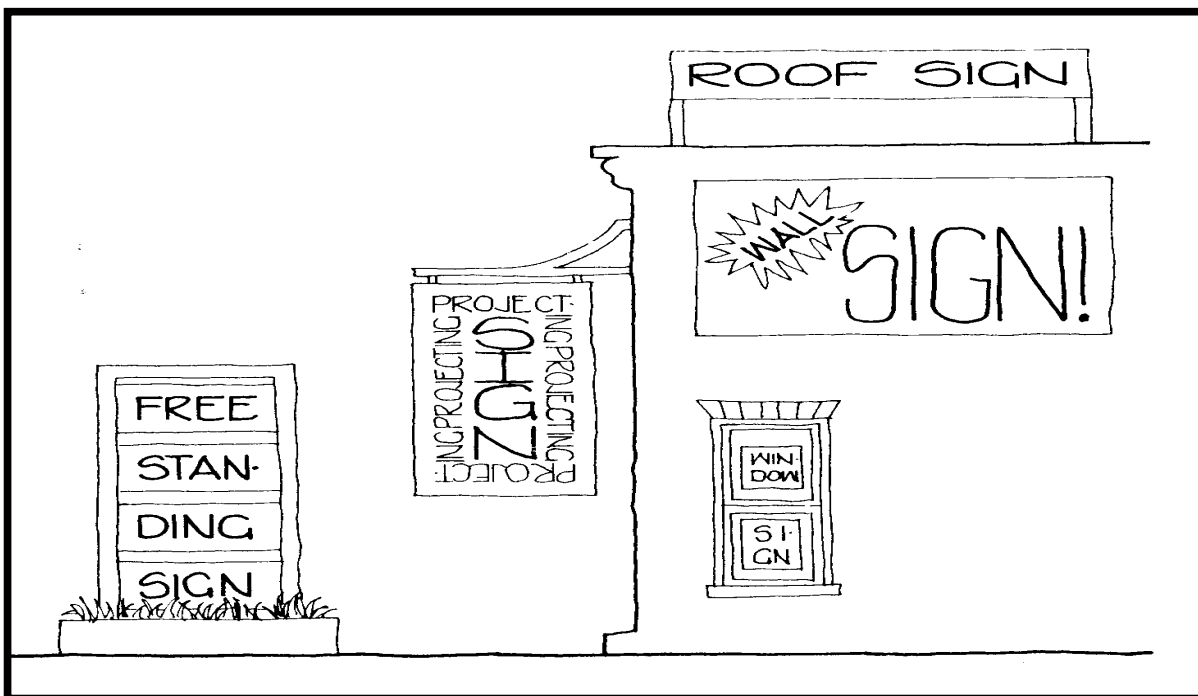
Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

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



Wall Signs

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



Sign Comparison

703. PROCEDURES.

The procedures included in this §703 shall apply to all signs requiring permits.

- A. Requirement of Permit. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Article 7. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Article 7.
1. Exempt signs as specified in §704.B.
 2. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.
- B. Permit Application. Applications for sign permits shall be submitted to the Zoning Officer and shall, at a minimum, contain or have attached thereto the information listed in this section.
1. Name, address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 3. Name of person, firm, corporation, or association erecting the sign.
 4. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 5. A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
 6. An elevation of such sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
 7. A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
 8. Calculation of the total sign square footage permitted.
 9. Copies of any other permit required and issued for said sign, including PennDOT and the Uniform Construction Code.
 10. Additional information as may be required by the Zoning Officer.
- C. Issuance of Permits. Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this Article 7 and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.
- D. Permit Fees.
1. In accord with the Township fee schedule, the applicant shall tender a fee at the time of making application for a sign permit. Permit fees are not refundable.
 2. The owner of a legal nonconforming sign, which has been removed or brought into conformance with the terms of this Article 7 shall not be required to pay a fee in order to obtain a permit for the conforming sign.

704. GENERAL REQUIREMENTS.

- A. Prohibited Signs. All signs not expressly permitted or exempted under this Article 7 from regulation are prohibited. Such prohibited signs include, but are not limited to the following:
1. "A" frame or sandwich board and sidewalk, or curb signs.
 2. Strings of lights not permanently mounted to a rigid background, except those exempt under the §704.B.5, balloons, and other inflatable figures, except as a temporary sign as provided for in §705.B.
 3. Balloons of greater than twenty-five (25) cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.
 4. Pennants and streamers, not including permitted banners and flags.
 5. Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §710), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Article 7.
 6. Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
 7. Portable and wheeled signs except for a charitable event.
 8. Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.
 9. Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
 10. Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation except for no trespassing signs.
 11. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
 12. Signs which emit any sound, odor or visible matter such as smoke.
 13. Signs which contain information that states that a lot may be used for a purpose not permitted under this Article 7.
 14. Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
 15. Portable signs, except for a temporary charitable event.
 16. Snipe signs.
- B. Exempt Signs. The following signs are hereby exempt from the permit provisions of this Article 7.
1. Civic and Religious. Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two square feet.
 2. Directional or Instructional Signs. On-site signs, not exceeding four (4) square 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.

3. Noncommercial Signs. Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.
4. Governmental Signs. Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
5. 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.
6. Interior Signs. Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.
7. Memorial Signs. Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events which are non-commercial in nature.
8. Name and Address Plates. Wall signs, one per street frontage and not exceeding 1.5 square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
9. 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 residential districts and four (4) square feet in nonresidential districts.
10. Parking Lot Directional and Instructional Signs.
 - a. Directional Signs. Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four square feet. Parking lot directional signs shall not project higher than five feet in height, as measured from the established grade of the parking area to which such signs are accessory.
 - b. Instructional Signs. Signs designating the conditions of use or identity of parking areas and not exceeding eight square feet nor exceeding an aggregate surface area of 16 square feet. Parking lot instructional signs shall not project higher than 10 feet for wall signs and seven feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
11. Patron Advertising Signs. Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of 32 square feet of aggregate surface area. Sponsors advertising on score boards may not exceed 25 percent of the surface area of the score board.
12. Plaques. Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four square feet in aggregate surface area.
13. Public Notices. Official notices posted by public officers or employees in the performance of the officer's or

employee's duties

14. Signs on Vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.
 15. Symbols or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two square feet not exceeding four square feet in aggregate area.
 16. Vending Machine Signs. Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four square feet not exceeding an aggregate surface area of eight square feet on each machine.
 17. Warning Signs. Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
 18. Tourist Signs. Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
 19. Historic Signs. Signs which memorialize an important historic place, event or person and is specifically authorized by the Township or a county, state or federal agency.
- C. Construction Requirements. All signs permitted by this Article 7 shall be constructed in accord with all construction code requirements and the provisions of this §704.C.
1. Sign Faces. All signs may be multi-faced.
 2. Computation of Sign Area.
 - a. The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed and any surrounding border or frame.
 - b. Supporting members of a sign shall be excluded from the area calculation.
 - c. The area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
 - d. Where the sign consists of individual letters or symbols attached directly on a building or window the sign area shall be the smallest rectangle that includes all of the letters and symbols. Any illuminated background shall be considered part of the sign and included in the area calculation.
 - e. The maximum area of a sign shall apply individually to each of the two sides of a sign, provided that only one side of a sign is readable from any location.
 3. Computation of Sign Height.
 - a. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

- b. Normal grade shall be construed to be the lower of:
 - 1) existing grade prior to construction, or
 - 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
 - c. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the district lot, whichever is lower.
- 4. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall comply with the wind pressure and dead load requirements of the Uniform Construction Code.
 - 5. Construction of Supporting Members or Braces. Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive incombustible material. Every means or device used for attaching any sign to a building shall be approved by the Zoning Officer.
 - 6. Attachment of Signs to Fire Escapes. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
 - 7. Overhead Electrical Wiring. Overhead electrical wiring is prohibited and all electric signs shall be listed by a recognized testing laboratory.
 - 8. Public Right-of-Way; Setbacks. No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No freestanding sign other than official traffic signs shall be erected or maintained less than ten feet to the edge of any public road right-of-way and not less than ten feet from side and rear property lines.
 - 9. Obstruction to Ingress/Egress. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
 - 10. Obstruction to Ventilation. No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
 - 11. 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 accord with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
 - 12. 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.
 - 13. 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.
 - 14. Traffic/Pedestrian Hazards. No sign shall be erected in such a way as to interfere with or to confuse traffic or

pedestrians, to present any traffic or pedestrian hazard, or to obstruct the vision of motorists or pedestrians, and all signs shall comply with the clear sight triangle requirements of this Article 7.

15. Protection of The Public. The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.

16. Clearance. Clearance beneath overhead signs shall be at least nine feet, measured from the ground or pavement to the bottom-most part of the sign.

17. Wall Signs.

- a. Wall signs shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six inches from the wall, nor above or beyond the top and ends of the wall.
- b. The face of a wall sign shall not project more than 15 inches from the outside of the building's wall surface.
- c. No part of a wall sign shall extend above the roof eave, unless it is erected on a parapet wall or fascia that extends above the roofline of a flat roof on at least three sides of a building.

D. Maintenance.

1. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean and sanitary condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Restoration or painting which changes the name, size, or location of a sign shall require a new permit.
2. Painting Requirement. The owner of any sign shall be required to have all parts and supports of a sign properly painted as directed by the Zoning Officer, unless they are galvanized or otherwise treated to prevent rust and deterioration.
3. Sign Owner's Responsibility. The sign owner shall be responsible for the maintenance of the sign. If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.

E. Illumination. All signs permitted by this Article 7 may be illuminated in accord with the provisions of §507 and the following:

1. Type of Illumination. Illumination may be by internal, internal/indirect or by indirect means.
2. Flashing. Flashing signs are prohibited in accord with §704.A.5. (See §710 for permitted electronic signs.)
3. Glare. All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.
4. Floodlighting. Floodlighting of signs shall be arranged so that the source of light is not visible from any point of the lot and so that only the sign is directly illuminated.

F. Signs on Roof. No sign attached to a building shall be placed on nor shall extend above any part of the building roof.

G. Awning and Canopy Signs.

1. Buildings. Signs affixed to the surface of an awning or canopy on a building are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such awning or canopy. In addition:
 - a. Awning or canopy signs shall be limited to one per site.
 - b. Awning and canopy signs shall only display the business name, logo, address and name of the proprietor or property owner. Letters or numerals shall not exceed a height of 12 inches and shall be located only on the front and side vertical faces, except as provided for in this section. The minimum clearance above any walkway shall not be less than 8.5 feet.
 - c. Letters and numerals shall be permitted on the sloped surface of an awning, provided that the business served by the awning sign does not use a wall sign(s), and provided further that the letters and numerals on the sloped surface of an awning shall not exceed a height of 40 inches and shall not exceed more than 25 percent of the sloped surface.
 - d. An awning or canopy may extend into the road right-of-way, but shall not extend beyond a point one foot back from the vertical plane formed by the road curb line. An awning or canopy shall not extend beyond a point one foot back from the vertical plane formed by the curb line.
 - e. An awning or canopy may not extend more than six feet from the building.
 - f. No awning or canopy sign shall extend into a required side or rear setback.
 - g. The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 - h. A name sign not exceeding two square feet located immediately in front of the entrance to an establishment may be suspended from an awning or canopy provided that the name sign is at least 8.5 feet above the sidewalk.
 - i. An awning or canopy sign shall not be internally illuminated.
2. Fuel Service Canopy Signs. Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo, shall be subject to the following:
 - a. Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
 - b. There shall not be more than one service island canopy sign on each face of the canopy.
 - c. The gross surface of a service island canopy sign shall not exceed fifty (50) percent of the surface area of the canopy face to which it is attached.

H. Window Signs. Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

1. Area and Location. Window signs shall not cover more than twenty (20) percent of the total front window area per business premises. Window signs are permitted in addition to the maximum number and maximum area of signs otherwise allowed per business premises
2. Placement. Window signs shall not be placed on glass doors or window areas that will impede pedestrian safety or prohibit view by police.

3. Illumination. Window signs may be illuminated.
- I. Freestanding Sign Landscaping. All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four square feet of landscaping for one square foot of sign area, but in no case less than one hundred twenty (120) square feet. Sign landscaping shall be part of the required project landscaping plan.
- J. Flags. Flags shall be permitted for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, subject to the following:
 1. Business Identification. The flag shall only identify the business.
 2. Flag Pole. The flag shall be suspended from a pole and the maximum height shall be thirty (30) feet.
 3. Number and Area. Each business shall be limited to one flag with a maximum area of twenty (20) square feet.
 4. Illumination. Flags may be illuminated in accord with §507.
 5. Government Flags. The United States Flag, the Commonwealth of Pennsylvania Flag and other governmental flags are not restricted by the provisions of this section.
- K. Home Occupation Signs. A sign advertising a permitted home occupation shall be permitted.
 1. Number. There shall be not more than one (1) home occupation sign on the lot where the home occupation(s) is conducted. Multiple home occupations shall be advertised on such sign.
 2. Maximum Area.
 - a. Residential districts. Four (4) square feet.
 - b. Nonresidential districts. Eight (8) square feet.
 3. Location. Home occupation signs shall be located only upon the premises upon which the occupation is conducted. Such signs shall be setback area a minimum of ten (10) feet from the street right-of-way line unless printed on a mailbox.
 4. Height. Home occupation signs shall not project higher than fifteen (15) feet.
 5. Type. Home occupation Temporary development signs may be freestanding, attached flat on a wall or within a window.
- L. Service Organization/Place of Worship Signs. Off-premises service organization and place of worship signs stating name of a recognized incorporated service organization or place of worship and stating the place and times of meetings or services and/or an arrow directing persons to such location are shall be permitted subject to the following:
 1. Number. There shall be not more than two (2) off-premises service organization or place of worship signs per lot and not more than two (2) per service organization or place of worship.
 2. Maximum Area. Two (2) square feet.
 3. Maximum Height. Eight (8) feet.

M. Wood Relief Sign Area Bonus.

1. The following signs shall be eligible for an increase in size of fifty (50) percent provided the sign complies with the requirements of this §704.M in addition to all other applicable requirements:
 - a. Residential development road entrance signs (§706.B).
 - b. Nonresidential use signs in residential districts (§707).
 - c. Individual business identification signs (§708.A).
 - d. Shopping center, mall and multiple occupant business identification signs (§708.B).
 - e. Business subdivision road entrance signs (§708.C).
2. The sign shall be wood or simulated wood relief only. The carved pattern is raised and seems to rise out of the underlying material.
3. The sign shall be designed as an integral architectural element of the building and component of the site.
4. Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
5. The signs shall not exceed a height of fifteen (15) feet.

705. TEMPORARY SIGNS.

Temporary signs may be erected and maintained in accord with the provisions contained in this §705.

A. General Conditions.

1. Permit Required. A permit shall be required unless a certain type of temporary sign is specifically exempted.
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. Unless specifically permitted for certain signs, temporary signs shall not be illuminated in accord with this Article 7.
4. Sign types. Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs.

B. Temporary Business Banners, Flags and Signs. Temporary business banners, flags and signs (referred to as *temporary business signs*) in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

1. Number. There shall not be more than five temporary business signs per lot, but such signs shall not be permitted on residential lots. Decorative flags that simply include abstract colors or patterns that include no text are not regulated by this Article 7, provided they do not exceed five per lot or business.
2. Area. The aggregated area of all temporary business signs shall not exceed sixty (60) square feet. No individual sign shall exceed twenty (20) square feet.
3. Location. Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
4. Height. Temporary business signs shall not project higher than fifteen (15) feet.

5. Special Conditions. Temporary business signs shall be displayed for a maximum of fifteen (15) consecutive days with a maximum of one event per calendar quarter.
 6. Permit Not Required. A permit shall not be required for temporary business banners, flags and signs.
- C. Temporary Development Signs. Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:
1. Number. There shall not be more than one temporary development sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 2. Maximum Area.
 - a. Residential districts. Eight (8) square feet.
 - b. Nonresidential districts. Thirty-two (32) square feet.
 3. Location. Temporary development signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required setback area, but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway.
 4. Height. Temporary development signs shall not project higher than fifteen (15) feet.
 5. Special Conditions. Temporary development signs shall be permitted only accessory to an approved zoning permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than 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 Contractor or Subcontractor Signs. Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:
1. Number. There shall be not more than two (2) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
 2. Maximum Area.
 - a. Residential districts. Twelve (12) square feet total.
 - b. Nonresidential districts. Forty (40) square feet.
 3. Location. Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is actively working. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
 4. Height. Temporary contractor or subcontractor signs shall not project higher than fifteen (15) feet.
 5. Special Conditions. Temporary contractor or subcontractor signs shall be permitted only accessory to an approved building permit for a project or development. Temporary contractor or subcontractor signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is

required, the sign shall be removed upon project completion.

6. Permit Not Required. A permit shall not be required for temporary contractor or subcontractor signs.
- E. Temporary Charitable 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. There shall be not more than two (2) temporary event signs per lot.
 2. Maximum Area.
 - a. Residential districts. Four (4) square feet except forty (40) square feet for a place of worship, public or semi-public building or school.
 - b. Nonresidential districts. Forty (40) square feet.
 3. Timing. Temporary event signs may be erected and maintained for a period not to exceed twenty (20) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within five (5) days of the termination of such campaign, drive, activity, or event.
- F. 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 setback area.
 2. Height. Temporary political signs shall not project higher than 15 feet.
 3. Timing. Signs may be displayed for a period not to exceed sixty (60) days prior to the date of the election to which the signs are applicable and shall be removed within five (5) days following the election.
 4. Road Setback. All political signs shall be located a minimum of five (5) feet from the edge of the paving or curb line of any public or private road, and shall not create a traffic hazard.
 5. Support. Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
- G. 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 1,000 feet of lot road frontage for each road on which the lot fronts.
 2. Maximum Area.
 - a. Residential districts. Six (6) square feet.
 - b. Nonresidential districts. 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 setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
 4. Height. Temporary real estate signs shall not project higher than fifteen (15) feet.

5. Special Conditions. Temporary real estate signs shall be placed only when the premises is actively being marketed and shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
6. Permit Not Required. A permit shall not be required for temporary real estate signs.
- H. Temporary Yard or Garage Sale or Auction Signs. Temporary yard sale or garage sale or auction signs advertising the sale of items and the sales location shall be subject to the Township Garage Sale Ordinance.
- I. Temporary Open House Signs. Temporary open house signs advertising the sale of items and the sales location shall be subject to the following:
 1. Number. Two (2) per event.
 2. Maximum Area. Four (4) square feet.
 3. Timing. Such temporary signs may be erected no sooner than five (5) days before the event and must be removed no later than one (1) day after the event, and not be posted for more than five (5) consecutive days.
 4. Permit Not Required. A permit shall not be required for temporary open house signs.
- J. Temporary Seasonal Agricultural Activity Signs. Temporary seasonal agricultural activity signs shall be subject to the following: (Examples of such signs include, but are not limited to, "Pick Your Own Berries," "Christmas Trees," or produce sales.)
 1. Number and Area. Not more than two (2) signs shall be permitted per lot and the maximum area per sign shall be eight (8) square feet on residential lots and thirty (30) square feet on nonresidential lots.
 2. Location. Such signs shall be located only upon the premises where the seasonal agricultural activity is taking place. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
 3. Height. Temporary seasonal farm product signs shall not project higher than fifteen (15) feet.
 4. Special Conditions. Such signs shall be posted during seasons when such products are actively offered for sale.
 5. Permit Not Required. A permit shall not be required for temporary seasonal agricultural activity signs.

706. ALL DISTRICTS.

The following signs are permitted in all districts accessory to a permitted residential use.

- A. Residential Building Name and Address Signs. Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:
 1. Type. Building name and address signs may be either wall signs or ground signs.
 2. Number. There shall not be more than one name and address sign for each building except that where a building abuts two (2) or more streets, one (1) additional sign oriented to each abutting street shall be permitted.
 3. Area. Building name and address signs shall not exceed four (4) square feet.
 4. Location. Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within fifteen (15) feet of any point of vehicular access

to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.

5. Height. Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs.

B. Residential Development Road Entrance Signs. Residential development road entrance signs for developments with two or more buildings with a total of five or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

1. Type. The residential development road entrance signs shall be ground signs.
2. Number. There shall not be more than two residential development road entrance signs for each point of vehicular access to a development.
3. Area. Residential development road entrance signs shall not exceed 32 square feet.
4. Location. Residential development road entrance signs may be located in any required setback, but shall not extend over any lot line or within 15 feet of any point of vehicular access from a public roadway. 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 road entrance signs shall not project higher than eight feet.
6. Sign Faces. Residential development road entrance signs may be double-faced only when one such sign is used at a road entrance.

707. NONRESIDENTIAL USES IN RESIDENTIAL DISTRICTS.

Principal nonresidential uses located in residential districts (CR Conservation Residential, SC Special Conservation, RR Rural Residential, R1 Low Density Residential and R2 Medium Density Residential) are permitted two signs in accord with the following regulations:

A. Area and Height.

1. Freestanding Signs.
 - a. Maximum area. Thirty-two (32) square feet.
 - b. Maximum height. Eight (8) feet.
2. Wall Signs. The maximum area of a wall sign shall be forty (40) square feet on each side of one (1) principal building. Window signs may be used in the place of wall signs with the same maximum square footage.

B. Number.

1. Freestanding Signs. The maximum number of freestanding signs shall be one (1) per lot. On a corner lot the sign shall be placed on the street of highest classification.
2. Wall Signs. The maximum number of wall signs shall be one (1) per side of one (1) principal building.

708. NONRESIDENTIAL DISTRICTS.

For all commercial, manufacturing, industrial, public and semi-public uses (referred to as *business* in this section) in nonresidential districts (VC Village Commercial/Residential and GC General Commercial) the following signs are permitted and then only if accessory to a permitted use, and such signs shall be subject to the requirements of this §708 and any

other special provisions contained in this Article 7:

- A. Individual Business Identification Signs. The following provisions shall apply where an individual business is located on the lot:
1. Total Square Footage Permitted. Total sign square footage permitted shall be determined by multiplying the length of lineal building front foot by a factor of one and one-half (1.5) square feet, up to a maximum of two hundred (200) square feet. The length of lineal building front foot is defined as the length of the side of the building adjacent and parallel to any public street. If building lineal front foot permits the maximum square footage, the total permitted square footage may be incorporated into a single wall sign, disallowing any other signs on site.
 2. Total Number Permitted. The total number of signs permitted shall not exceed two (2) except as follows:
 - a. A site totaling over three hundred (300) feet of lot frontage may have an additional wall sign not exceeding thirty-two (32) square feet in area.
 - b. Retail fuel sales signs are exempt from the total sign square footage limitation, but shall comply with §708.E.
 - c. Only one (1) freestanding or monument sign is permitted per lot, except on corner lots where one may be permitted on each street frontage of arterial or higher classification.
 3. Permitted Signs by Type. The following signs are permitted provided all regulations are met and the total square footage permitted on the site is not exceeded. For the purposes of this section, mixed-use sites include buildings and centers with a combination of retail and office uses or a combination of retail, office and industrial uses.
 - a. Freestanding Signs.
 - 1) The maximum area, per side, for a freestanding sign shall be eight tenths (0.8) square feet times the lineal building front foot for office buildings and one and one-half (1.5) square feet times the lineal building front foot for other uses, with a maximum of fifty (50) square feet.
 - 2) The maximum height of a freestanding sign shall be eighteen (18) feet, except fifteen (15) feet in the VC District, and shall be a minimum of eight and one-half (8.5) feet above grade.
 - b. Monument Signs. Monument signs are permitted except in the VC District as follows:
 - 1) The maximum size of a monument sign shall be seventy-five (75) square feet.
 - 2) Signs may be double faced:
 - a) When the angle between sign faces measures forty-five (45) degrees or less, the total sign area shall be computed by measuring the square footage of a single face.
 - b) When the angle between sign faces measures more than forty-five (45) degrees, the total sign area shall be computed by adding the square footage of each face.
 - 3) The maximum height of monument signs shall be six feet for horizontally oriented signs and twelve (12) feet for vertically oriented signs.
 - c. Wall Signs. The area of a wall sign shall not exceed eight tenths (0.8) square feet times the lineal building front foot for office buildings and one and one-half (1.5) square feet for other uses, with a maximum one hundred twenty-five (125) square feet.

- B. Shopping Center, Mall and Multiple Occupant Business Identification Signs. The following provisions shall apply to developments, whether planned and developed on one lot or multiple lots as a group, in which two or more businesses (commercial, manufacturing, industrial, public or semi-public uses) are housed in one or more principal structures. If more than a total of two regulated signs will be erected, an application for a Master Sign Program shall be submitted in accord with §708.B.1.
1. Master Sign Program. An application for approval of a Master Sign Program shall be submitted in accord with the following:
 - a. Each individual sign proposed in accord with an approved Master Sign Program must be applied for and permitted separately. Approval of a Master Sign Program shall not be deemed permission to construct any particular sign under that program.
 - b. An application for a Master Sign Program shall include the following components.
 - 1) The types of signs proposed.
 - 2) A scale drawing indicating the location and position of each sign in relation to the building it is to be attached to, other buildings and signs within the center, and lot lines.
 - 3) A scale drawing of each sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
 - 4) An elevation of each proposed sign indicating the materials to be used, and the type of illumination, if any.
 - 5) Written specifications governing the color, size, style, location, and other features of the proposed signs.
 - c. No freestanding sign other than the main identification sign(s) in §708.B.2 shall be permitted for any development.
 - d. Total Square Footage Permitted.
 - 1) The maximum square footage of all signs within a development, excluding the main identification sign, entrance markers, and traffic directional signs, shall not exceed 1.5 square feet times the lineal front foot of the building.
 - 2) In a development with more than one building, the linear building front foot shall be calculated for each building and totaled to determine the total lineal front foot for the center on which the maximum square footage shall be calculated.
 - 3) Unless otherwise specified in this §708.B, the area of individual signs shall not exceed the maximum size specified in §708.A for the type of sign proposed.
 - e. Applications for approval of a Master Sign Program shall be submitted with the application for land development.
 2. Main Identification Sign. Main identification signs, as approved under a Master Sign Program, shall meet the following requirements:
 - a. The maximum number and area of main identification signs shall be one (1) freestanding sign per arterial street of no more than one hundred (100) square feet, or one (1) monument sign per arterial street of no more than one hundred fifty (150) square feet, or one wall sign facing each arterial street of no more than one hundred twenty-five (125) square feet.

- b. Such signs shall not contain the names of tenants of the building or center except any tenant, occupying one-third (1/3) or more of the gross floor area of any building or center may be identified on such main identification sign, with a maximum of two (2) such tenants identified.
 - c. Main identification signs shall not exceed eighteen (18) feet in height, or fifteen (15) feet in the VC District. Freestanding signs shall be a minimum of eight and one-half (8.5) feet above grade.
3. Individual Occupant Wall Signs. (See §708.G for shingle signs.)
- a. Number. There shall be not more than one wall sign for each principal business occupant except that where a principal occupant abuts two or more streets, one additional such sign oriented to each abutting street shall be permitted.
 - b. Maximum Area. The surface area of a wall sign shall not exceed nine (9) square feet.
 - c. Location. A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
 - d. Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- C. Business Subdivision Road Entrance Signs. Business subdivision road entrance signs for developments with two or more commercial, manufacturing, industrial, public and semi-public buildings (referred to as *business* in this section) indicating only the name of the development shall be subject to the following:
- 1. Type. The business subdivision road entrance signs shall be ground signs.
 - 2. Number. There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development.
 - 3. Area. Business subdivision road entrance signs shall not exceed thirty-two (32) square feet.
 - 4. Location. Business subdivision road entrance signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
 - 5. Height. Business subdivision road entrance signs shall not project higher than five (5) feet.
 - 6. Sign Faces. Business subdivision road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.
- D. Automatic Teller Machine (ATM) Signs. ATM signs shall be permitted in association with an approved commercial use subject to the following:
- 1. Location. Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
 - 2. Area. The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.

- E. Retail Fuel Sales. Retail fuel sales establishments shall in addition to the other permitted signs be permitted one sign with up to four fuel prices attached to the business identification sign. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. The prices shall be stationary but may be electronically controlled in accord with §710.

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

- F. Changeable Panel Signs. One changeable panel sign per lot may be incorporated into a permitted freestanding sign, monument sign or wall sign to identify special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located. The changeable panel sign shall be counted in the sign area of the sign in which it is incorporated.
- G. Shingle Signs. In addition to the other signs permitted by this ordinance each establishment with a separate entrance to the outside shall be permitted a shingle sign in accord with this §708.G.
1. A shingle sign shall not exceed six (6) square feet.
 2. Shingle signs shall be limited to two (2) sign faces installed perpendicular to the building facade.
 3. No portion of a shingle sign shall be less than eight (8) feet above any pedestrian walkway or the grade below the sign.
 4. No portion of a shingle sign shall project above the top of an eave or parapet.
 5. Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
 6. A shingle sign shall maintain a ten-foot separation from another shingle sign.
 7. Shingle signs shall be located at the business entrance.
 8. Single signs shall not be more than six (6) inches or less than one (1) inch thick.

709. OFF-PREMISES ADVERTISING SIGNS AND BILLBOARDS.

An off-premises sign or billboard shall be permitted only in the GC District and the parts of the SC District that are east of Route 33 in accord with the following requirements:

- A. Maximum Individual Sign Area. The maximum sign area shall be three hundred (300) square feet within one hundred (100) feet of the Route 33 right-of-way and one hundred fifty (150) square feet in all other cases.
- B. Location.
1. An off-premises sign shall be set back a minimum of twenty-five (25) feet from all lot lines and street rights-of-way.
 2. No off-premises sign greater than ten (10) square feet shall be located within two-hundred (200) feet of any residential use or district.
- C. Spacing.

1. Off-premises signs shall be separated from each other by at least one thousand (1,000) feet, including such signs on either side of a street and including nonconforming off-premises signs and existing off-premises signs in other municipalities.
 2. No lot shall include more than one (1) off-premises sign.
- D. Maximum Height. The maximum sign height shall be thirty-five (35) feet.
- E. Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign or share a support structure except that a sign may be double-faced with each face having the maximum area permitted in §709.A, provided the angle between the faces does not exceed forty-five (45) degrees. Off-premises signs shall not be stacked on top of one another.
- F. Control of Lighting and Glare. Lighting and glare shall conform to the standards in §507.
6. Adjustments to Existing Sign. The sign area of existing lawful off-premises sign(s) may be revised or replaced provided there is no net increase in the total sign area and the sign does not exceed the thirty-five (35) feet height limit of this section or the height of the existing sign, whichever is less restrictive. (For example, two 300-square foot sign faces could be replaced with one 600 foot sign face.)

710. ELECTRONIC MESSAGE SIGNS.

In addition to all other applicable regulations, the following regulations shall apply to all electronic message signs. In the case of conflict, the more restrictive standard shall apply.

- A. Location. Electronic message signs shall be located only on parcels within the GC District.
- B. Number. Each development parcel shall be limited to one (1) electronic message sign which is used in lieu of another permitted sign. In the case of a shopping center, mall or multiple occupant business comprised of several parcels, one electronic message sign shall be permitted for the entire development.
- C. Size. The electronic message sign shall be limited to 80 percent of the allowable size of the sign it replaces.
- D. Nonconforming Sign Replacement. Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article 7. A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.
- E. Billboards and Off-Premises Signs. A billboard or an off-premises sign shall not be converted to an electronic message sign except in full compliance with this Article 7.
- F. Message Display.
1. Any portion of the message shall have a minimum duration (hold time) of ten (10) seconds and shall be a static display. Messages shall completely change to the next message within one (1) second.
 2. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other sign. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion. Time and temperature signs are exempt from this requirement.
 3. All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position and lock the luminance level to the nighttime setting should a malfunction occur.
 4. Images or messages projected onto buildings or other objects shall be prohibited.

G. Luminance.

1. No sign may display light of such intensity or brilliance to cause glare, hazard or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.
2. Signs shall have a maximum luminance of five thousand (5,000) nits during daylight hours. During the nighttime signs and billboards shall be limited to a maximum luminance of one hundred fifty (150) nits.
3. All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions. The sign shall also be equipped with an automatic malfunction shut off switch.
4. Signs shall comply with light trespass regulations set forth in §507.
5. Surface luminance measurements shall be made directly with a calibrated luminance meter, following the instrument manufacturer's directions. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of two hundred (200) nits shall be permitted during nighttime.
6. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed five thousand (5,000) nits and that the intensity has been protected from end-user manipulation by password-protected software.

H. Separation and Setbacks.

1. No electronic message sign shall be located closer than four hundred (400) feet from any other electronic message sign, including non-conforming signs.
2. No electronic message sign or billboard shall comply with the maximum height requirement for the sign it replaces.

I. Height. The maximum height of electronic message signs shall comply with the requirement applicable to the sign it replaces.J. Regulations Applicable to All Electronic Message Off-Premises Signs. In addition to the other regulations in this §710, the following regulations shall apply to electronic message off-premises:

1. Electronic message billboards shall be permitted by conditional use. The conditional use process shall apply to both new electronic message billboards and the conversion of existing static billboards to electronic message billboards.
2. Electronic message billboards shall be set back at least one hundred (100) feet from the ultimate right-of-way of all roads.
3. No electronic message billboard shall be located within two thousand (2,000) feet from any other electronic message billboard, including nonconforming billboards and those located on the opposite side of the street.
4. No electronic message billboard shall be located within three hundred (300) feet of a traffic merge point, entrance or exit.
5. The applicant shall be required to coordinate and permit message access from local, regional, state and national emergency services during emergency situations. Emergency messages are not required to conform to message standards herein.

711. NONCONFORMING SIGNS.

- A. Legal, Nonconforming Signs. Any sign lawfully existing or under construction on the effective date of this Article 7, which does not conform to one or more of the provisions of this Article 7, may be continued in operation and maintained as a legal nonconforming use.
- B. Maintenance and Repair of Legal Nonconforming Signs.
1. Area. The total area of any nonconforming sign shall not be increased.
 2. Removal and Reconstruction. The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of §805.E applicable to other nonconforming structures.
 3. Damage or Destruction. A nonconforming sign which is damaged or destroyed may be rebuilt in a nonconforming fashion only in accord with §805.D applicable to other nonconforming structures.
 4. Improvements and Maintenance. Non-conforming signs may be repainted, repaired or modernized, provided such improvements do not increase the dimensions, height or position of the existing nonconforming sign or change the sign, message or business being advertised.
 5. Conversion to Electronic Message Sign.
 - a. Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article 7.
 - b. A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.

712. REMOVAL OF CERTAIN SIGNS.

- A. Abandoned Signs.
1. Removal. Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be presumed to be abandoned and shall be removed within twelve (12) months from the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located
 2. Enforcement. Enforcement of a violation of §712.A.1 shall be in accord with §106.
- B. Nuisance Signs.
1. Violation. The maintenance of any sign which is unsafe or insecure, or is a nuisance shall be considered a violation of this Ordinance.
 2. Enforcement. Enforcement of a violation identified in §712.B.1 shall be in accord with §106.
 3. Immediate Peril. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.
- C. Illegal Signs. If the Zoning Officer shall find that any sign is displayed in violation of this Ordinance, he shall proceed with an enforcement action in accord with §106.

**ARTICLE 8
GENERAL REGULATIONS**

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

A. Frontage Required onto Improved Street.

1. Frontage. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.
2. Improvements. A proposed principal non-residential use shall make improvements to the directly abutting segment of a public street(s) to provide suitable access to the use. This may include, but are not limited to, turn lanes and shoulder improvements.

B. Number of Principal Uses and Principal Buildings per Lot.

1. 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.
2. 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).
3. Nonresidential Uses. In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
4. Residential and Nonresidential on the Same Lot.
 - a. CR, SC and RR Districts. Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted nonresidential 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.
 - b. VC and GC Districts. One residential unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal nonresidential structure. The residential unit shall be occupied only by the owner or employee of the nonresidential use(s). 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 nonresidential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
5. 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 or as required by any applicable building code.

- C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above the ground level.

802. HEIGHT EXCEPTIONS.

The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, agricultural structures (such as silos), water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, flagpoles, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Article 2.

803. SPECIAL LOT AND SETBACK REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

A. In General.

1. Nonconformity. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. The operator of a use shall be responsible to make sure that fire lanes and other emergency access lanes are kept open and accessible to emergency vehicles.

B. Exceptions to Minimum Lot Areas, Lot Widths and Setbacks.

1. Corner Lots. For a corner lot, each setback which abuts a street shall be equal in size to the front setback required for the district. Any other setbacks may be considered side setbacks.
2. Projections Into Required Setbacks.
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required setback not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.

- C. Sight Clearance at Intersections. See the applicable provisions of the Township Subdivision and Land Development Ordinance.

- D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations. These buffer yard standards shall supersede the buffer planting requirements of the Subdivision and Land Development Ordinance.

1. Buffer Yard Width, When Required. Buffer yards shall have a minimum width of 30 feet, unless a larger width is required by another provision of this Ordinance. Buffer yards shall primarily include evergreen plant or hedge screening and shall be required in the following situations, and where otherwise required by this Ordinance:

| Buffer Yard to be Provided by the Following: | When the Use Providing the Screening and Buffer is: |
|--|---|
| a. Along side and rear lot lines of any newly developed or expanded: (1) principal commercial or manufacturing use, (2) area of 4 or more new off-street parking spaces, | Abutting or across an alley from an existing dwelling within a residential district, and visible from such dwelling, OR Abutting an occupied existing primarily residential use, |

| Buffer Yard to be Provided by the Following: | When the Use Providing the Screening and Buffer is: |
|---|--|
| (3) an outdoor manufacturing storage or loading area, or (4) an area routinely used for the overnight parking of 2 or more tractor-trailer trucks. | regardless of whether the dwelling is within a residential district. |
| b. Along front lot lines of any newly developed or expanded: (1) outdoor manufacturing storage or loading area, (2) area routinely used for the overnight parking of 2 or more tractor-trailer trucks, or (3) area of 4 or more new off-street parking spaces. | Abutting and visible from a public street. |

2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the Township to be placed within a street right-of-way.
- c. The buffer yard may include areas within a required front, side or rear setback, or a paved area setback area provided the larger setback requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or manufacturing storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- b. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.
- c. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
- b. Each planting screen shall meet the following requirements:
 - (1) Plant materials needed to form the visual screen shall have a minimum height, when planted, of 3 feet. The Zoning Officer may require an initial height of 6 feet where a topographic difference between a dwelling and a business causes a need for the taller height. In addition, an average of one (1) deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the ground level, shall be placed for each 40 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - (2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 5 years a mostly solid year-round visual screen at least 6 feet in height. However, where appropriate to provide security and oversight of a parking area from a street, species of plants shall be used that have a shorter mature height, and such plants should be trimmed to a maximum height of 3 to 4 feet.

- (3) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
- (4) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements, and c) locations needed to meet other specific State, Township and utility requirements
- (5) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
- (6) Evergreen trees shall be planted in two or more staggered rows (diagonal offsets).

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - (1) the location and arrangement of each buffer yard,
 - (2) the placement, general selection of species and initial size of all plant materials, and
 - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
- c. See §804.F. concerning landscaping plans.

804. LANDSCAPING.

- A. Any part of a commercial, manufacturing, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.
- B. See also the buffer yard provisions in §803.D.
- C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for six (6) or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s).
 - 1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
 - 2. Location. Where permitted by the Township and/or PennDOT, such trees shall be placed within the street right-of-way. If planting within the street right-of-way is not approved, then such trees shall be planted with the trunk on private property immediately outside of the street right-of-way.
 - 3. Ordinance. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
 - 4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
 - 5. Existing Trees. Along street segments where existing healthy street trees will be preserved and protected during construction, new street trees shall not be required.

D. Parking Lot Landscaping.

1. One deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped areas shall be provided within the parking area. Otherwise, the trees may be planted around the parking area.
3. Trees required by this section shall meet the following standards:
 - a. **Type of Trees Permitted.** Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

**TYPES OF DECIDUOUS TREES PERMITTED TO MEET
ORDINANCE REQUIREMENTS**

| | |
|---|---|
| Acer rubrum – American Red Maple | Quercus coccinea – Scarlet Oak |
| Acer saccharum – Sugar Maple | Quercus macrocarpa – Bur Oak |
| Celtis occidentalis – Common Hackberry | Quercus imbricaria – Shingle Oak |
| Fagus sylvatica – European Beech | Quercus montana – Chestnut Oak |
| Fraxinus Americana – White Ash | Quercus velutina – Black Oak |
| Fraxinus pennsylvanica – Green Ash | Quercus phellos – Willow Oak |
| Ginkgo biloba fastigiata – Maiden Hair Tree (male only; female has noxious odor) | Sophora japonica – Chinese Scholar Tree |
| Gleditsia triacanthos – Thornless Locust | Tilia americana – American Linden |
| Liriodendron tulipifera – Tulip Poplar | Tilia cordata – Little Leaf European Linden |
| Quercus alba – White Oak | Tilia euchlora – Crimean Linden |
| Quercus acutissima – Sawtooth Oak | Tilia petiolaris – Silver Linden |
| Quercus borealis – Red Oak | Zelkova serrata - Zelkova |

Note - This Ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. **Quality of Trees.** Required trees shall be of symmetrical growth and free of insect pests and disease.
 - c. **Minimum Size.** The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
 - d. **Planting and Maintenance.** Required trees shall be:
 - (1) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - (2) properly protected by curbs, curbstops, distance or other devices from damage from vehicles.
- E. Landscaping Maintenance.** All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property owner, on a one-to-one ratio, as soon as is practical considering growing seasons, within a maximum of 150 days.
- F. Review and Approval.** Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to the site plan, showing proposed initial sizes, locations and species of plantings.

805. NONCONFORMITIES.

- A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation of Nonconformities.
1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
 3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
- C. Expansion of or Construction Upon Nonconformities.
1. Nonconforming Structure.
 - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity, and
 - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.
 - b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
 2. Nonconforming Lots.
 - a. Permitted Construction on a Nonconforming Lot. New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if minimum setback requirements are met.
 - b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
 3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accord with the following provisions:
 - a. An expansion of more than 10 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under §116.
 - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 - c. The 1) total building floor area used by a nonconforming use, or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.

- (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - (2) This 50 percent maximum expansion shall be decreased to a 10 percent maximum lifetime expansion for a junkyard, motor vehicle racetrack and similar uses that involve less than 5 percent of the land area of the use being within enclosed buildings.
- d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe. Changes in dwellings within a Mobile Home Park shall be regulated by §402.Y.
 5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- D. Damaged or Destroyed Nonconformities. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and continues in earnest without significant interruption, and c) no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a Nonconformity.
1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in §805.D.
 2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered “abandoned” under this Ordinance.
- F. Changes from One Nonconforming Use to Another.
1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:

- a. Traffic safety and generation (especially truck traffic),
- b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
- c. Amount and character of outdoor storage,
- d. Hours of operation if the use would be close to dwellings, and
- e. Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

- G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. DUMPSTER SCREENING AND LOCATION.

- A. Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.
- B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
- C. Setback from Dwelling. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
- D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this §806.
- E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises. Outdoor bulk containers over 15 cubic feet capacity for the storage of cardboard or paper for recycling shall still be screened, but shall not be required to meet the setback requirements of §806.C.

807. MINIMUM SETBACKS FROM EXISTING STREETS.

- A. Where a front, side or rear setback would abut an existing street, then such setback shall be measured from the following minimum distances from the centerline of the street right-of-way, unless a larger width has been set aside as street right-of-way:
 1. 40 feet from the centerline of an arterial street,
 2. 25 feet from the centerline of a collector or local street,
 3. 15 feet from the centerline of an alley, private access street or any other street.
- B. Applicants are strongly encouraged to dedicate such area to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.
- C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by §807.A.

**ARTICLE 9
CONSERVATION DESIGN**

901. CONSERVATION DESIGN DEVELOPMENT.

- A. Concept. A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.
- B. 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.
 2. To conserve areas critical to the visual integrity of the landscape by setting them aside from development.
 3. To conserve scenic views and elements of the landscape, and to minimize perceived density, by minimizing views of new development from public viewing points.
 4. 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.
 5. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
 6. To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 7. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Regional Comprehensive Plan* and the *Regional Open Space and Recreation Plan*.
 8. To implement adopted land use, transportation, and community policies as identified in the *Regional Comprehensive Plan*.
 9. To protect productive forest land in the Township for continued use by conserving blocks of land large enough to allow for efficient forest management operations.
 10. To enable the creation of residential communities with direct visual access to open land and amenities in the form of open space.
 11. To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.
 12. To provide multiple options for landowners in order to minimize impacts on environmental resources and sensitive lands such as streams, water bodies, wetlands, flood plain, and steep slopes, and minimize the disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls.
 13. To provide standards reflecting the varying circumstances and interests of individual landowners, and the

individual characteristics of their properties.

C. Districts; Development Options.

1. Applicability.

- a. Required in RR and SC Districts. In all RR and SC Districts, conservation subdivision design shall be required in accord with this §901 using Option 1, Option 2, Option 3, or Option 4.
- b. Optional in R-1, R-2 and VC Districts. In all R-1, R-2 and VC Districts, conservation subdivision design may be used at the developer's option in accord with this §901 using Option 1, Option 2, or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this ordinance.

2. By-Right (Permitted Use) Development Options in CR, RR, SC, R-1, R-2 and VC Districts. In order to achieve the purposes in §901.B, this §901.C provides for flexibility in designing new residential subdivisions by allowing the following forms of development referred to as *options*, as listed below:

- a. Option 1 - Basic Density and Basic Conservation providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §901.F, with not less than 45 percent of the tract comprised of conservation open space.
- b. Option 2 - Increased Density with Increased Conservation providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §901.F, with not less than 55 percent of the tract comprised of conservation open space.
- c. Option 3 - Greater Density with Greater Conservation providing residential lots/units at the density permitted by the Density and Conservation Open Space Table in §901.F, with not less than 60 percent of the tract comprised of conservation open space.
- d. Option 4 (RR and SC Districts) - Standard Subdivision in RR and SC Districts providing larger lots in accord with the standards in the Density and Conservation Open Space Table in §901.F and other applicable standards without providing open space. Any lots platted using this Option 4 shall be restricted from further subdivision.

3. R-1, R-2 and VC Districts. In R-1, R-2 and VC Districts tracts of 10 acres of gross tract area or larger may, at the Developer's option, be developed using Conservation Subdivision Design Development in accord with this §901.

4. RR and SC Districts.

- a. 10 Acres or More. In CR, RR and SC Districts all tracts of 10 acres of gross tract area or larger shall be subject to Conservation Subdivision Design Development in accord with this §901.
- b. Limited Exemption. In lieu of the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance the normal subdivision process as governed by the Township Subdivision and Land Development Ordinance may be applied to parcels of 10 acres of gross tract area or larger validly existing as of the effective date of this §901 provided all of the following are satisfied:
 - (1) The applicant shall submit with the subdivision application the applicable USGS 7.5 minute series quadrangle showing the entire parcel and a sketch of the entire parcel showing the proposed lots in relation to the entire parcel. This will enable the Township and the applicant to identify and discuss any effects the proposed subdivision may have on the long term use of the property, primary and secondary conservation areas, and the network of open land in the Township.

- (2) The total number of lots subdivided from the original tract (i.e., the parcel as it existed at the time of the

effective date of this §901) shall not exceed 2 lots in any 5 year period.

(3) Each lot shall comply with the applicable District standards in §307 for the applicable District.

c. Less Than 10 Acres. Separately deeded tracts of less than 10 acres of gross tract area validly existing as of the effective date of this §901 may be developed as:

(1) A Conservation Subdivision Design Development in accord with this §901.

(2) A standard subdivision with each lot in compliance with the applicable District standards in §307 for the applicable District.

d. Act 319 Lands. On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of 1 lot per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this §901, and the lot shall count against the 2 lot maximum established in §901.C.4.b.2.

e. Existing Conservation Easements. Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this §901 provided such easement preexisted the effective date of this §901 and the lot size stipulated in the easement for the lots to be subdivided complied with the requirements of the zoning ordinance provisions in effect at the time the conservation easement was recorded.

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

D. General Regulations. The design of all Conservation Subdivision Design Developments shall be governed by the following minimum standards:

1. Ownership. The development tract shall be held in single ownership.

2. Primary Conservation Areas. The proposed design shall conserve the Primary Conservation Areas. Demonstration by the applicant that these features are conserved by the proposed design shall be prerequisite to all preliminary and final plan approvals under the Subdivision and Land Development Ordinance. Primary Conservation Areas include:

a. Delineated wetlands.

b. 100-year floodplain (including the floodway) as shown on the Township Flood Insurance Rate Map.

c. Slopes of 25 percent or more.

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

E. Use Regulations.

1. Uses Permitted in Options 1 through 3. The following uses shall be permitted in Option1, Option 2 and Option 3 Conservation Subdivision Design Developments:

a. Single-family detached dwellings.

b. Two-family dwelling units, single-family attached units/townhouses, quadruplexes and multi-family dwellings.

c. Conservation open space with the uses permitted by §901.I.

d. Home occupations in accord with §403.D.12.

e. Accessory uses on the same lot with and in accord with applicable District regulations.

2. Uses Permitted in Option 4. The following uses shall be permitted in Option 4 Standard Subdivisions in RR and SC Districts:
 - a. Single-family detached dwellings.
 - b. Conservation open space with the uses permitted by §901.I.
 - c. Home occupations in accord with §403.D.12.
 - d. Accessory uses on the same lot with and in accord with applicable District regulations.
 - e. Other uses associated with single-family detached dwellings as permitted by this ordinance.

F. Maximum Dwelling Units and Minimum Conservation Open Space.

1. Dwelling Units. The maximum number of dwelling units shall be determined by using 1 of 2 approaches: a calculation using the density factor in the Density and Conservation Open Space Table and the Adjusted Tract Area Approach in §901.F.5, or by a Yield Plan detailed in §901.F.6. The applicant shall determine which approach is most suitable.
2. Conservation Open Space. The minimum conservation open space shall be as set forth in the Density and Conservation Open Space Table, regardless of which method is used to determine the maximum number of dwelling units.
 - a. Delineation. Conservation open space shall be delineated to include all primary conservation areas and, in addition, sufficient secondary conservation areas that, when added to the primary conservation areas, shall not be less than the minimum required conservation open space.
 - b. Common Greens. Option 1, Option 2 and Option 3 part of the required conservation open space may be in the form of common greens as follows:
 - (1) A minimum of 2 percent of the required conservation open space when the average lot size is 15,000 square feet or more.
 - (2) A minimum of 3 percent of the required conservation open space when the average lot size is less than 15,000 square feet.
 - (3) A maximum of 5 percent of the required conservation open space.
 - c. Conservancy Lots. In Option 1, Option 2 and Option 3, up to 80 percent of the required conservation open space may be in the form of conservancy lots of not less than 10 acres in size provided:
 - (1) The conservancy lot is permanently restricted from further subdivision or development is used only for those uses listed in §901.I.
 - (2) The restriction shall be in the form of a conservation easement as provided in the Township Subdivision and Land Development Ordinance.
3. Reserved.
4. Reserved.

| DENSITY AND CONSERVATION OPEN SPACE | | | | | | | |
|---|--|--|--|--|--|---|--|
| <u>OPTION 1</u> Basic Density and Basic Conservation <u>neutral density</u> | | <u>OPTION 2</u> Increased Density with Increased Conservation <u>10% density bonus</u> (ATA/unit reduced by 10%) | | <u>OPTION 3</u> Greater Density with Greater Conservation <u>20% density bonus</u> (ATA/unit reduced by 20%) | | <u>OPTION 4</u> Standard Subdivision with no Conservation Open Space | |
| Density Factor (SF ATA / DU ¹) | Minimum Conservatio n Open Space Required ² | Density Factor (SF ATA / DU ¹) | Minimum Conservatio n Open Space Required ² | Density Factor (SF ATA / DU ¹) | Minimum Conservatio n Open Space Required ² | Minimum Lot Size (SF) | Minimum Conservatio n Open Space Required ³ |
| | | | | | | | |
| RR Rural Residential District - Option 1, Option 2, Option 3 or Option 4 required. | | | | | | | |
| 87,120 | 45% ATA | 78,410 | 55% ATA | 69,700 | 60% ATA | 174,240 | none |
| | | | | | | | |
| SC Special Conservation District - Option 1, Option 2, Option 3 or Option 4 required. | | | | | | | |
| 87,120 | 45% ATA | 78,410 | 55% ATA | 69,700 | 60% ATA | 174,240 | none |
| | | | | | | | |
| R-1 Low Density Residential District - The developer may use Option 1, Option 2 or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this Ordinance. | | | | | | | |
| R-1 with Neither Central Water nor Central Sewage | | | | | | | |
| 43,560 | 45% ATA | 39,200 | 55% ATA | 34,850 | 60% ATA | \$307 applies | |
| R-1 with Central Water and/or Central Sewage | | | | | | | |
| 39,000 | 45% ATA | 35,100 | 55% ATA | 31,200 | 60% ATA | \$307 applies | |
| | | | | | | | |
| R-2 Medium Density Residential District and VC Village Commercial District - The developer may use Option 1, Option 2 or Option 3. In the alternative a standard subdivision may be developed in accord with the applicable provisions of this Ordinance. | | | | | | | |
| R-2 and VC with Neither Central Water nor Central Sewage | | | | | | | |
| 43,560 | 45% ATA | 39,200 | 55% ATA | 34,850 | 60% ATA | \$307 applies | |
| R-2 and VC with Central Water or Central Sewage | | | | | | | |
| 39,000 | 45% ATA | 35,100 | 55% ATA | 31,200 | 60% ATA | \$307 applies | |
| R-2 and VC with Central Water and Central Sewage | | | | | | | |
| 20,000 | 45% ATA | 18,000 | 55% ATA | 16,000 | 60% ATA | \$307 applies | |

¹ SF ATA = square feet of Adjusted Tract Area in §901.F.5.c.² Plus Constrained Land calculated in §901.F.5.b. (See Row I of Table.)³ Minimum conservation open space is permitted but not required.

5. Adjusted Tract Area Approach. Determination of the maximum number of dwelling units shall be based upon the following calculations:
- Determine Gross Tract Area. Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way.
 - Determine Constrained Land. Constrained land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If 2 or more resources overlap, only the resource with the highest protection factor shall be used.

| CONSTRAINED LAND | | | | |
|------------------|--|--------------------------|-------------------|--------------------------|
| | Resource | Area of Resource (acres) | Protection Factor | Constrained Land (acres) |
| A | rights-of-way of existing and proposed streets and utilities and existing and proposed easements for street widening | | X 1.00 | = |
| B | that portion of lands under conservation easement that are restricted from further development | | X 1.00 | = |
| C | floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream) | | X 1.00 | = |
| D | 100-year floodplain (if not mapped by FEMA, area is included in floodway above) | | X 1.00 | = |
| E | wetlands as determined by a delineation | | X 0.50 | = |
| F | prohibitive steep slopes (25% or greater) | | X 0.50 | = |
| G | precautionary steep slopes (15% to less than 25%) | | X 0.10 | = |
| H | ponds, lakes and streams to the high water mark | | X 1.00 | = |
| I | CONSTRAINED LAND = SUM OF A through H = | | | |

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

| ADJUSTED TRACT AREA | | |
|---------------------|---|-------------------|
| A | gross tract area | _____ acres |
| B | minus Constrained Land from Constrained Land Table in §901.F.5.b. | - _____ acres |
| C | equals Adjusted Tract Area | = _____ acres ATA |

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

| MAXIMUM NUMBER OF DWELLING UNITS | | |
|----------------------------------|---|------------|
| A | Adjusted Tract Area (from the Adjusted Tract Area Table in §901.F.5.c) converted to square feet | _____ SF |
| B | divided by density factor (from the Density and Conservation Open Space Table) | ÷ _____ |
| C | equals maximum number of dwelling units | = _____ DU |

- (2) In Option 4, the number of dwellings shall be based on the minimum lot size listed in the Density and Conservation Open Space Table and other applicable standards in this ordinance and the Subdivision and Land Development Ordinance.

6. Yield Plan Approach (applicable to Options 1, 2 and 3).

a. Number of Units Permitted.

- (1) Option 1. For Option 1, the maximum number of dwelling units shall be determined by a layout with conventional lots using the minimum lot size standards applicable to the District of location. The number of units permitted in the Conservation Subdivision Design Development shall equal the number of units on the Yield Plan, provided it meets the requirements of this section and the Subdivision and Land Development Ordinance applicable to conventional subdivisions.

- (2) Option 2. For Option 2, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.11.¹

- (3) Option 3. For Option 3, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.25.²

- b. Constrained Lands. For the purposes of meeting the minimum lot size requirement in the Option 1 Yield Plan the proportion of constrained land as calculated using the protection factors in the Constrained Land Table in §901.F.5.b shall not be included.

c. Plan Requirements.

- (1) SALDO Requirements. Yield Plans shall be prepared in accord with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it shall 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 un-severed, the suitability of soils for subsurface sewage disposal.

- (2) Resource Identification. The Yield Plan shall identify the site's primary and secondary conservation areas, as identified in the Existing Resources/Site Analysis, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to

¹The 1.11 multiplication factor was determined by dividing the Option 1 density factor by the Option 2 density factor (e.g., RR: 87,120 SF ÷ 78,410 SF = 1.11).

²The 1.43 multiplication factor was determined by dividing the Option 1 density factor by the Option 3 density factor (e.g., RR: 87,120 SF ÷ 69,700 SF = 1.25).

proposed single-family dwelling lots which conform to the required dimensional standards. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplain and land with slopes greater than 15 percent.

- (3) Individual Sewage Disposal Systems. On sites not served by community sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by soils-based individual on-lot sewage disposal systems. For the purposes of determining density under this Section, this standard shall exclude holding tanks, individual stream discharge systems and evapotranspiration systems.

Based on the Existing Resources/Site Analysis and observations made during an on-site visit of the property, the Township shall select a 10 percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant shall 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 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 soils-based on-lot sewage disposal system.

7. Total Number of Dwelling Units. The total number of dwelling units permitted on a development site equals the sum of the following, each of which shall be itemized separately in a table on the plans:
- a. Maximum number of dwelling units permitted in §901.F.5 or §901.F.6, as selected by the applicant.
 - b. Any additional units permitted as the result of the discretionary density bonus permitted in §901.H.
8. Preservation of Historic Dwellings. To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the permitted maximum number of dwelling units, provided:
- a. Such dwellings are at least 75 years old;
 - b. The dwelling is preserved in accord with generally accepted historic preservation standards; and
 - c. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Township.

G. Dimensional and Design Standards for Option 1, Option 2 and Option 3.

1. Option 1, Option 2 and Option 3. The standards in the Dimensional Standards for Single-Family Dwellings Option 1, Option 2 and Option 3 Table shall apply to Option 1, Option 2 and Option 3.

| DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3 | | | | |
|---|---|--|--|---|
| Type of water supply and sewage disposal ▶▶▶▶ | central water and central sewage | on-lot water and central sewage | central water and on-lot sewage | on-lot water and on-lot sewage |
| Minimum individual lot area | 5,500 square feet | 21,780 square feet | 32,670 square feet | 43,560 square feet |
| Minimum lot width at required setback | 40 feet | 70 feet | 85 feet | 100 feet |
| Minimum street frontage | 35 feet | 50 feet | 50 feet | 50 feet |

| DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 1, Option 2 and Option 3 | | | | |
|--|--|---------------------------------------|---------------------------------------|--------------------------------------|
| Type of water supply and sewage disposal ▶▶▶▶ | central water and central sewage | on-lot water and central sewage | central water and on-lot sewage | on-lot water and on-lot sewage |
| Maximum depth to width ratio | 5 to 1 | | | |
| Flag Lots | permitted in accord with provisions of the Subdivision and Land Development Ordinance | | | |
| Setback Regulations (Preexisting lots shall comply with the setbacks in §307.) | | | | |
| - minimum front | 20 feet | 40 feet | | |
| - minimum rear | 30 feet 20 feet where the rear setback adjoins conservation open space | | | |
| - minimum side | 5 feet 20 feet aggregate | 20 feet | | |

2. Option 4. The standards in the following Dimensional Standards for Single-Family Detached Dwellings Option 4 Table shall apply to Option 4.

| DIMENSIONAL STANDARDS FOR SINGLE-FAMILY DETACHED DWELLINGS Option 4 - Standard Subdivision in RR and SC Districts (§307 applies in all other Districts) | |
|--|--|
| | RR and SC Districts |
| Minimum lot area | 174,240 square feet (4.00 acres) |
| Maximum depth to width ratio | 5 to 1 |
| Minimum front setback | 50 feet |
| Minimum rear setback | 40 feet |
| Minimum side setback | 25 feet |
| Maximum building height | Principal - 3 stories, but not more than 38 feet Accessory - 1½ stories, but no more than 25 feet |

3. Maximum Lot Coverage. Maximum ground coverage for single-family dwellings in Options 1 through 4 shall be limited in accord with the following Maximum Impervious Cover for Single-Family Dwellings Table.

| MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2, Option 3, Option 4 and Conservancy Lots | |
|---|-----------------------------|
| Lot Area | Maximum Impervious Coverage |
| less than 10,000 SF | 50% |

| MAXIMUM IMPERVIOUS COVER FOR SINGLE-FAMILY DWELLINGS Option 1, Option 2, Option 3, Option 4 and Conservancy Lots | |
|---|---|
| Lot Area | Maximum Impervious Coverage |
| 10,000 - 19,999 SF | 40% |
| 20,000 - 43,560 SF | 30% |
| more than 43,560 SF | reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 5% |

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

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

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

| DWELLING SETBACKS | | | |
|---|----------------------|---|-------------------------------|
| from: | Single-Family | Two-Family, Single-Family Attached/ Townhouses, Quadruplexes | Other Multi-Family |
| external Township or State road rights-of-way | 100 feet | 150 feet | 200 feet |
| other perimeter boundaries of the development tract | 50 feet | 100 feet | 150 feet |

| DWELLING SETBACKS | | | |
|---|---------------|---|-----------------------|
| from: | Single-Family | Two-Family, Single-Family Attached/ Townhouses, Quadrplexes | Other Multi-Family |
| crop land or pasture land not on the development parcel | 100 feet | 100 feet | 100 feet |
| buildings or barnyards housing livestock not on the development parcel | 300 feet | 300 feet | 300 feet |
| active recreation areas such as courts and play fields not on the development parcel (not including tot lots) | 150 feet | 150 feet | 150 feet |

H. Discretionary Density Bonus for Age-Restricted Dwelling Units. Additional density may be permitted by the Board of Supervisors as a conditional use in accord with the following standards:

1. Definition. A dwelling unit restricted to occupancy for at least one person 55 years of age or older and with no person less than 19 years of age pursuant to the Housing for Older Persons Act of 1995, as may be amended. For the purposes of this Ordinance, such dwelling unit is not located in a facility where health services are provided to occupant(s) including, but not limited to, assisted living facilities, continuing care retirement communities, skilled nursing care facilities, intermediate care facilities, nursing and personal care facilities, residential care facilities and convalescent homes.
2. Bonus. For each age-restricted unit provided, 1 additional dwelling unit shall be permitted, up to a maximum increase of 15 percent over the maximum number of units permitted in §901.F.7.a.

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

1. Open Land. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
2. Agriculture and Horticulture. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings. Specifically excluded are dwellings, commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
3. Horses. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 50 percent of the minimum required conservation open space.
4. Forestry. Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.
5. Neighborhood Open Space. Uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational.
6. Recreation. Active non-commercial recreation areas, such as playing fields, playgrounds and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:
 - a. Such areas shall not consume more than 50 percent of the minimum required conservation open space or 5 acres, whichever is less. The 5-acre limit may be increased to 10 acres on development parcels 200 acres or larger.

- b. Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel.
 - c. Minimum parking facilities for the same, as determined by the Board of Supervisors, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.
 - d. Golf Courses. Audubon International Signature Golf Courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to 50 percent of the minimum ATA of the required conservation open space. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed 1,200 square feet. Accessory facilities and parking areas shall not count toward the minimum conservation open space requirement.
7. Water; Sewer; Stormwater. Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed 20 percent of the minimum ATA required in the conservation open space. The following standards shall apply:
- a. Water Supply Systems.
 - (1) Drainage easements for water lines may be counted toward the minimum conservation open space requirement.
 - (2) Land used for ground-level well structures and associated parking exceeding 5,000 square feet shall not count toward the minimum conservation open space requirement.
 - b. Sewage Disposal Systems.
 - (1) Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the conservation open space requirement.
 - (2) Soil absorption areas shall be appropriate for active or passive recreation.
 - (3) Sewage disposal areas in conservation open space shall be appropriate for active or passive recreation or shall be managed as meadows or forests; and may be counted toward the minimum conservation open space requirements.
 - (4) Absorption fields serving individual dwelling units may be located in the conservation open space, but individual treatment tanks shall be located within the lots they serve.
 - (5) Each proposed absorption field area located in the conservation open space shall be situated in the closest proximity to the lot served.
 - (6) The responsibility for the maintenance of any individual absorption system shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.
 - (7) Drainage easements for sewer lines may be counted toward the minimum conservation open space requirement.
 - c. Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum conservation open space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:

- (1) Infiltration basin, provided the berms do not exceed 36 inches in height;
- (2) Subsurface infiltration bed;
- (3) Infiltration trench;
- (4) Rain garden;
- (5) Vegetated swale;
- (6) Infiltration berm, provided the berm does not exceed 24 inches in height.

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

9. 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.

J. Conservation Open Space Design and Other Standards.

1. Four-Step Design. Conservation open space in all options shall be identified and laid out in accord with the Four-Step Design Process and conservation open spaces Design Standards in of the Subdivision and Land Development Ordinance, which begins with the identification of primary and secondary conservation areas.

2. Map of Potential Conservation Lands. Conservation open space shall be laid out in accord with the Township's Map of Potential Conservation Lands in the Comprehensive Plan, to ensure that, over time, an interconnected network of conservation open space will be created.

3. Layout. The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.

4. Permanence, Ownership and Maintenance. The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities. The conservation open space shall be owned and maintained in accord with the Township Subdivision and Land Development Ordinance.

5. Use by Development Residents. In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than 20 percent of the Adjusted Tract Area. Not less than 15 percent of the conservation open space shall be free of wetlands, floodway, and slopes over 15 percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.

6. Trails. When the Board of Supervisors determines a benefit to residents of the development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages, the Board of Supervisors may consider:

- a. Implementation of the Township Comprehensive Plan, Open Space Plan, trail map or official map;
- b. Trails integral to children's access to schools and parks;
- c. Impact on woodland and stream corridors.

7. Buffers for Adjacent Public Park Land. Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least 150 feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed, nor shall any clearing of trees or under story growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.

- a. Where existing vegetation provides an adequate buffer, as determined by the Board of Supervisors, the depth may be reduced to 75 feet.

- b. Where the buffer is un-wooded, the Board of Supervisors may require vegetative screening to be planted.

8. Building Lots.

- a. The lot layout shall respect Secondary Conservation Areas.
- b. No portion of any building lot shall be used for meeting the minimum conservation open space requirement except as permitted by §901.F.2.c.
- c. Building lots shall generally be accessed from interior streets, rather than from roads bordering the tract, unless otherwise permitted as part of the approval under the Township Subdivision and Land Development Ordinance.

9. Views from Dwellings. At least 50 percent of the dwelling units shall face the required open space, with the front façade of the dwelling, either directly or across the street.

10. Access. Pedestrian and maintenance access shall be provided to conservation open space in accord with the following requirements:

- a. No more than 15 lots shall be contiguous to each other without a commonly located access point meeting the following standards:
 - (1) The width of the access strip shall not be less than 20 feet.
 - (2) The access strip shall extend the full depth of the adjacent lots.
- b. Access to conservation open space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.

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

- K. Commercial Uses Within Developments 250 or More Dwelling Units. If a subdivision includes a minimum of 250 dwelling units, then as a conditional use, a maximum of 2 acres within the subdivision may be used for commercial development meeting the requirements of the VC District. The applicant shall prove to the Board of Supervisors that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development. To the maximum extent feasible, traffic access shall be fully coordinated with adjacent development.

**ARTICLE 10
FLOODPLAIN MANAGEMENT**

1001. STATUTORY AUTHORIZATION.

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, in addition to the authority provided by the Pennsylvania Municipalities Planning Code, this Article 10 is adopted as authorized by the Pennsylvania Flood Plain Management Act of 1978.

1002. GENERAL PROVISIONS.

A. Intent - This Article 10 is intended to:

1. Promote the general health, welfare, and safety of the community.
2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
3. Minimize danger to public health by protecting water supply and natural drainage.
4. Reduce financial burdens imposed on the community, its governmental units, and its residents by preventing excessive development in areas subject to flooding.
5. Maintain the existing hydrologic regime through the sound management of floodplains for their capacity to convey, transport, store and dissipate flood flow volumes and velocities, to protect water quality and to maintain stream channel stability.

B. Applicability - This Article 10 shall apply to all new construction, development, and improvements, including the placement of fill material, in any identified floodplain area

1. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Ross Township unless a permit has been obtained from the Floodplain Administrator.
2. A permit shall not be required for minor repairs to existing buildings or structures unless required by other provisions of this Ordinance.

C. Warning and Disclaimer of Liability

1. The degree of flood protection sought by the provisions of this Article 10 is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study.
2. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article 10 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.
3. This Article 10 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 Article 10 or any administrative decision lawfully made thereunder.

D. Abrogation and Greater Restrictions - This Article 10 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 10, the more restrictive shall apply.

- E. Severability – If any section, subsection, paragraph, sentence, clause, or phrase of this Article 10 shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Article 10 are hereby declared to be severable.

1003. ADMINISTRATION.

- A. Designation of the Floodplain Administrator - The Ross Township Zoning Officer is hereby appointed to administer and enforce this Article 10 and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:
1. Fulfill the duties and responsibilities set forth in these regulations,
 2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or
 3. Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. §59.22.
- B. Zoning Permits Required - A zoning permit shall be required before any construction or development is undertaken within any area of Ross Township, including identified floodplain areas.
- C. Duties and Responsibilities of the Floodplain Administrator - In addition to the duties and responsibilities of the Zoning Officer established by §110, the Floodplain Administrator shall:
1. State and Federal Laws - Prior to the issuance of any permit, review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, §404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
 2. Construction Codes - The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.
- D. Application Procedures and Requirements - Applications shall be made in accord with §103 and §104 and, in addition to the information required by §103, applications shall include the following:
1. Listing of other permits required.
 2. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 3. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator 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.

- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Structures will be anchored to prevent flotation, collapse, or lateral movement.
 - e. Building materials are flood resistant.
 - f. Appropriate practices that minimize flood damage have been used.
 - g. Electrical, heating, ventilation, plumbing, air conditioning equipments, and other service facilities have been designed and/or located to prevent water entry or accumulation.
4. 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. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development.
 - d. The location of all existing streets, drives, and other access ways.
 - e. The location of any existing bodies of water of watercourses, identified floodplain areas, limits of earth disturbance, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
5. Plans of all proposed buildings, structures and other development, drawn at suitable scale showing the following:
- a. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988.
 - b. The elevation of the base flood.
 - c. Supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
6. The following data and documentation:
- a. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - b. Documentation, certified by a qualified professional as defined in Article 2, to show that the cumulative effect of any proposed development within an AE Area without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - c. A document, certified by a qualified professional as defined in Article 2, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood.
 - d. Detailed information needed to determine compliance with §1013.J (Storage) and §1006.C.7 (Dangerous Materials or Substances) including:

- 1) The amount, location and purpose of any materials or substances referred to in §1013.J and §1006.C.7 which are intended to be used, produced, stored or otherwise maintained on site.
- 2) 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 §1006.C.7 during a base flood.
- e. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control and stormwater management.
7. Any other pertinent information as may be required by the Floodplain Administrator to determine compliance with this Article 10.
- E. 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 Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. Planning Commission, Township Engineer, County Conservation District, etc.) for review and comment.

1004. BASIC DEVELOPMENT STANDARD.

In designated floodplain areas, only the following types of activities/development in compliance with this Ordinance shall be permitted:

- A. Activities/Development that are compatible with maintaining the existing hydrologic regime and do not alter the cross sectional dimension of the floodplain and its storage capacity except in compliance with this Ordinance.
- B. Activities/Development permitted under Title 25, Ordinance 105 of the Pennsylvania Code, or conveyances required by Title 25, Ordinance 102.
- C. Activities/Development specifically authorized by this Article 10

1005. IDENTIFICATION OF FLOODPLAIN AREAS.

A. Identification and Adoption; Overlay District

1. Identification - The identified floodplain area shall be:

- a. Any areas of the Township classified as a special flood hazard area (SFHA) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated May 2, 2013, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
- b. The FIS and FIRMs referenced in §1005.A.1, and any subsequent revisions and amendments, are hereby adopted by the Township and are declared to be a part of this Article 10.

2. Floodplain Overlay District - The identified floodplain areas shall be considered an overlay to the underlying zoning districts as shown on the zoning map and the provisions of the floodplain overlay district shall supplement those of the underlying district. In the case of any conflict between the floodplain overlay district requirements and the underlying zoning district requirements, the most restrictive shall apply.

B. Description of Identified Floodplain Areas - The identified floodplain area shall consist of the following specific areas:

1. Floodway Area - Those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those AE areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must

be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point.

2. AE Area without Floodway

- a. Those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
- b. No permit shall be granted for any construction, development, use, or activity within any AE Area without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the base flood elevation than one (1) foot at any point.

3. A Area

- a. Those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- b. In lieu of §1005.B.3.a, 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 a qualified professional as defined in Article 2, 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.

C. Changes in Identification of Area - The identified floodplain area may be revised or modified by the Township where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from the Federal Emergency Management Agency (FEMA). Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of changes to the Special Flood Hazard Area by submitting technical or scientific data.

D. Boundary Disputes - Should a dispute concerning any identified floodplain boundary arise, the determination shall be made by the Floodplain Administrator 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.

1006. PROHIBITED DEVELOPMENT.

In identified floodplain areas, the following shall be prohibited:

- A. Buildings - All walled and roofed buildings except on certain nonconforming lots pursuant to §1011.A (Existing Lots or Parcels of Record).
- B. Floodway – No new construction or development shall be permitted in any floodway area. In the absence of a floodway area no new construction or development shall be permitted within the area measured fifty (50) feet landward from the top-of-bank of any watercourse unless a permit is obtained from the Department of Environmental Protection.
- C. Developments of Special Concern
 1. The commencement of any of the following activities, or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities shall be prohibited:

- a. assisted living facility
 - b. bus, limousine or taxi terminal
 - c. cemetery
 - d. community center
 - e. concentrated animal feeding operation
 - f. cultural center
 - g. day-care center
 - h. domestic violence shelter
 - i. dormitory
 - j. emergency services station
 - k. green box transfer station/recycling facility
 - l. group home, institutional
 - m. group quarters
 - n. health facility
 - o. hospital
 - p. jail, prison or other correctional facility
 - q. junk yard
 - r. natural gas compressor station
 - s. natural gas processing plant
 - t. nursing home
 - u. oil and gas operation
 - v. personal care home
 - w. place of worship
 - x. recycling facility
 - y. resource recovery facility
 - z. school, public or private primary or secondary school
 - aa. self-storage facility
 - bb. semi-public building or use
 - cc. solid waste facility
 - dd. vehicle and equipment rental
 - ee. vehicle and equipment repair operation
 - ff. vehicle and equipment sales operation
2. Manufactured Home Park or Subdivision - The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
3. Recreational Vehicles - The parking or use of any recreational vehicle unless it is fully licensed and ready for highway use.
4. Fill – The placement of fill material that is not associated with a permitted activity.
5. Sewage Disposal - On-lot or community subsurface sewage disposal systems except on certain nonconforming lots pursuant to §1011.A.
6. Mineral Extraction - Structures associated with mining or oil and gas production (e.g., water storage facilities, fluid containment facilities, or well pads).
7. Dangerous Materials or Substances - Any type of development or activity which will be used for the production or storage of any of the following; or, which will be used for any activity requiring the maintenance of a supply of

more than a combined total of five hundred and fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, which will involve the production, storage, or use of any amount of radioactive substances. The following list of materials and substances are considered dangerous to human life:

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium carbide
- e. Carbon disulfide
- f. Celluloid
- g. Chlorine
- h. Hydrochloric acid
- i. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen
- l. Petroleum products (gasoline, fuel oil, etc.)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulphur and sulphur products
- q. Pesticides (including insecticides, fungicides, and rodenticides)
- r. Any other substance as determined by the Township.

1007. PERMITTED ACTIVITIES/DEVELOPMENT.

The following activities/development are permitted in identified floodplain areas provided such activity/development does not involve any activity/development prohibited by §1006 (Prohibited Development):

- A. Agricultural activities.
- B. Plant nurseries.
- C. Forestry and seed production.
- D. Fish hatcheries.
- E. Parking lots constructed to existing grade.
- F. Temporary fairs or carnivals.
- G. Accessory uses for residential purposes.
- H. Private sportsmen's club activities (for example, archery, hunting, horse shoes etc.).
- I. Athletic facilities.
- J. Orchards.
- K. Wildlife sanctuaries.
- L. Boat launch sites constructed to existing grade.
- M. Stormwater conveyance and stormwater management facilities for water quality as permitted by the Township Stormwater Management Ordinance (Act 167).

- N. The parking or use of recreational vehicles which are fully licensed and ready for highway use.
- O. Development on certain lots of record pursuant to §1011 (Existing Lots or Parcels of Record).

1008. UNSPECIFIED ACTIVITIES/DEVELOPMENT.

Any activity/development not expressly permitted in §1007 (Permitted Activities/Development) shall only be permitted by variance and shall be undertaken only in full compliance with §1012 (Variances) and §1013 (Design and Construction Standards). However, no activity/development shall be permitted which involves any activity/development expressly prohibited by §1006.C (Developments of Special Concern).

1009. WATERCOURSES; STREAM BANKS; LOMR.

A. Alteration or Relocation of Watercourse

1. Alteration or Relocation of Watercourse

- a. No encroachment, alteration, improvement or development of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action, the Federal Emergency Management Agency, and the Pennsylvania Department of Community and Economic Development have been notified in writing by the applicant by certified mail, and until all required permits or approvals have been first obtained from the Department of Environmental Protection and other applicable agencies.
 - b. The applicant shall provide the Township with proof of the required notifications and copies of any responses.
 - c. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- 2. Restoration of Unstable Stream Banks** - No stream bank restoration or stabilization projects shall be undertaken until the applicant provides a detailed report addressing the fluvial geomorphology of stable reaches above and below the unstable reach. Any restoration or stabilization project shall include all necessary measures to ensure the maintenance of stability in the adjacent stable reaches of the stream channel.

B. Letter of Map Revision - Technical or scientific data shall be submitted by the Applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable, but within six (6) months of the completion of any new construction, development or other activity resulting in changes in the base flood elevation. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:

- 1. Any development that causes a rise in the base flood elevations within the floodway.
- 2. Any development occurring in Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- 3. Alteration or relocation of a stream, including, but not limited to, installing culverts and bridges. This shall not apply to the replacing of culverts in kind.

1010. EXISTING STRUCTURES IN FLOODPLAIN AREA.

The provisions of this Article 10 do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure in the identified floodplain area, the following provisions shall apply:

A. Expansions or Enlargements - No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District.

- B. AE Area without Floodway – No expansion or enlargement of an existing structure shall be allowed within any AE Area without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- C. AE Area without Floodway and A Area – No permitted expansion or enlargement of an existing structure shall be allowed within fifty (50) feet landward from the top-of-bank of any watercourse within any AE Area which lacks a designated floodway or within any A Area unless necessary permits are obtained from the Department of Environmental Protection.
- D. Danger to Human Life - No modification, alteration, reconstruction, or improvement of any kind to an existing structure shall be permitted which involves any activity which may endanger human life as listed in §1006.C.7.
- E. Substantial Improvement - Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article 10.
- F. Less than Substantial Improvement - 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 to the greatest extent possible.
- G. Construction Codes - The above activity shall also address the requirements of the 34PA Code, as amended and the 2009 IBC and the 2009 IRC.

1011. EXISTING LOTS OR PARCELS OF RECORD AND NEWLY CREATED LOTS OR PARCELS.

A. Existing Lots or Parcels of Record

- 1. Wholly in Floodplain - In the case where an existing lot or parcel of record is located wholly within an identified floodplain area, notwithstanding the prohibitions of §1006.A (Buildings), §1006.C.4 (Fill) and §1006.5 (Sewage Disposal), walled and roofed buildings, accessory uses, fill and on-lot sewage disposal shall be permitted pursuant to the design and construction standards in §1013.
- 2. Partially in Floodplain
 - a. In the case where an existing lot or parcel of record is located partially within any identified floodplain area, notwithstanding the prohibitions of §1006.A (Buildings), §1006.C.4 (Fill) and §1006.C.5 (Sewage Disposal), walled and roofed buildings, accessory uses, fill and on-lot sewage disposal shall be permitted in the identified floodplain area pursuant to the design and construction standards in §1013 provided the Floodplain Administrator determines that a building envelope meeting all applicable setback, lot coverage, slope limitation and other standards cannot be identified on the parcel outside the identified floodplain area.
 - b. The determination shall be based on documentation provided by the Applicant and any other information available.
 - c. Any aggrieved party may appeal the determination to the Zoning Hearing Board.
- 3. AE Area without Floodway - In any AE Area without floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE by more than one (1) foot at any point.
- 4. Prohibited Development - Nothing in this §1011.A shall authorize any other development prohibited by §1006.

B. Newly Created Lots or Parcels

1. Development Purposes

- a. After the effective date of this Article 10, every lot or parcel created for development purposes shall contain an area adequate for the proposed use outside of an identified floodplain area, except as provided in §1011.B.2 (Non-development Purposes).
- b. The subdivision plan and deed for any such lot or parcel shall include a restriction that the lot or parcel shall not be used for any development which does not comply with the Township floodplain regulations in effect when such development is proposed.

2. Non-development Purposes - After the effective date of this Article 10, the subdivision plan and deed for any lot or parcel created for non-development purposes (e.g., forestry or agriculture) which contains any identified floodplain area shall include a restriction that the lot or parcel shall not be used for any development which does not comply with the Township floodplain regulations in effect when such development is proposed.

3. Prohibited Variances - No variance shall be granted for any development in any identified floodplain area affecting any lot or parcel created after the effective date of this Article 10 unless a new flood study results in an increase in the identified floodplain area affecting such lot or parcel and which precludes the development of the lot.

C. Special Requirements for Subdivisions - All subdivision proposals containing at least fifty (50) lots or at least five (5) acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

1012. VARIANCES.

If compliance with any of the requirements of this Article 10 would result in an exceptional hardship to a prospective builder, developer, or landowner, the Zoning Bearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered in accord with §111.D.3 (Variances) and the following:

A. Alternatives Analysis – No variance shall be granted until the applicant has performed an alternatives analysis to find practicable alternatives to development in the identified floodplain area.

B. Floodway

1. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
2. Where a variance may be granted, necessary permits shall be obtained from the Department of Environmental Protection.
3. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accord with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. AE Area without Floodway - No variance shall be granted for any construction, development, use, substantial improvement or activity within any AE Area without floodway that would, together with all other existing and anticipated development, increase the BFE greater than one (1) foot at any point.

D. AE Area without Floodway and A Area – No variance shall be granted for any construction, development, use, substantial improvement or activity within fifty (50) feet landward from the top-of-bank of any watercourse within any

AE area which lacks a designated floodway or within any A Area unless necessary permits are obtained from the Department of Environmental Protection.

- E. Elevation Required - Any building permitted by variance shall be elevated to the regulatory flood elevation. Within any identified flood plain area, any new construction or substantial improvement of a residential structure or non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The regulatory flood elevation is defined as the BFE plus a freeboard safety factor of two (2) feet. In A Zones, the regulatory flood elevation shall be determined in accord with §1005.B.3.
- F. Design and Construction Standards - Any development permitted by variance shall comply with the design and construction standards of §1013 and all other applicable requirements of the National Flood Insurance Program.
- G. Substantial Improvements - The Zoning Hearing Board may grant a variance to the prohibition of substantial improvements to existing structures in identified floodplain areas provided all requirements of this §1012 are satisfied.
- H. Developments of Special Concern - No variance shall be granted for any development of special concern identified in §1006.C.
- I. Least Modification - If granted, a variance shall involve only the least modification necessary to provide relief.
- J. Conditions - In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Article 10.
- K. Written Notice - Whenever a variance is granted, the Zoning Hearing Board 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.
- L. Review Factors - In reviewing any request for a variance, the Zoning Hearing Board shall determine that the granting of the variance will not:
 - 1. Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - 2. Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- N. Record - A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year under this §1012 shall be included in the annual report to the FEMA.

1013. DESIGN AND CONSTRUCTION STANDARDS.

The following minimum standards, in addition to all applicable National Flood Insurance Program requirements, shall apply to any construction and development approved within any identified floodplain area:

- A. Residential and Non-Residential Structures
 - 1. In AE Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
 - 2. In A Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accord with §1005.B.3.

3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Ordinances 401-405 as amended) shall be used.

B. Space Below the Lowest Floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term *fully enclosed space* also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a qualified professional as defined in Article 2, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Manufactured Homes

1. All manufactured homes, and any improvements thereto, shall be:
 - a. Placed on a permanent foundation.
 - b. Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the base flood elevation.
 - c. Anchored to resist flotation, collapse, or lateral movement.
2. Installation of manufactured homes shall be done in accord with the manufactures' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 Code Ordinance 401-405.
3. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended, where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the unit's proposed installation.

D. Accessory Structures - Structures accessory to a principal building need not be elevated to remain dry, but shall comply, at a minimum, with the following requirements:

1. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. Floor area shall not exceed 100 square feet.
3. The structure shall have a low damage potential.

4. The structure shall be located on the site so as to cause the least obstruction to the flow of flood waters.
 5. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 6. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 7. Sanitary facilities are prohibited.
 8. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of flood water for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a qualified professional as defined in Article 2, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- E. 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 Floodplain Administrator.
 5. Be used to the extent to which it does not adversely affect adjacent properties.
- F. 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.
- G. Water and Sanitary Sewer Facilities and Systems
1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 3. 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.

4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities from Flood Damages and The International Private Sewage Disposal Code shall be used.
- H. Other Utilities - All other 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.
- I. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- J. 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 §1006.C.7 (Dangerous Materials or Substances), shall be stored at or above the Regulatory Flood Elevation.
- K. 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.
- L. Anchoring
 1. All buildings and structures shall be firmly anchored in accord 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.
- M. 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.
- N. 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.
- O. Electrical Components
 1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
 2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

- P. Equipment - Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- Q. Fuel Supply Systems - 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.
- R. Uniform Construction Code Coordination - The Standards and Specifications contained 34 PA Code (Ordinances 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article 10, to the extent that they are more restrictive and/or supplement the requirements of this Article 10.
1. International Building Code (IBC) 2009 or the latest edition thereof: Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 2. International Residential Building Code (IRC) 2009 or the latest edition thereof: Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

1014. DEFINITIONS.

Words and phrases used in this Article 10 shall have the meanings set forth in this §1014. Words and phrases not defined in this Article 10, but defined in Article 2, shall be given the meanings set forth in Article 2. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Base Flood: A flood which has a one percent chance of being equaled or exceeded in any given year (formerly referred to as "the 100-year flood").

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement: Any area of the building having its floor below ground level on all sides.

Building: A combination of materials to form a permanent structure having walls and a roof. Included shall be all 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.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood: A temporary inundation of normally dry land areas.

Flood Insurance Rate Map: The official map on which the Federal Emergency Management Agency has delineated both the areas of special hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Floodplain Area: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Historic Structure: Any structure that is any of the following:

- 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.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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 Article 10.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Park: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit-way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

New Construction: Structures for which the start of construction commenced on or after May 2, 2013, the effective date of this Article 10, as amended, and includes any subsequent improvements to such structures. Any construction started after February 17, 1988, the date of the first floodplain management standards adopted by the Township, and before May 2, 2013, the effective date of this Article 10, is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Practicable Alternative: An alternative that is available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purposes.

Recreational Vehicle: A vehicle which is:

- A. Built on a single chassis;
- B. Not more than 400 square feet, measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation: The base flood elevation (BFE) plus a freeboard safety factor of two (2) feet.

Special Flood Hazard Area (SFHA): An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

Start of Construction: Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, fences, walls, storage tanks, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

Substantial Damage: Damage from any cause 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, of which the cost 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 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.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**ARTICLE 11
ADOPTION****1101. SEVERABILITY.**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Ross Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

1102. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

1103. ADOPTION.

This Ordinance ordained and enacted this ____ Day of _____, 2014, by the Board of Supervisors of Ross Township, Monroe County, Pennsylvania, to be effective immediately.

Howard A. Beers, Jr., Chairman

Tina Drake , Vice-Chairman

Russell A. Kresge, Jr., Supervisor

ATTEST:

Doris Price, Secretary/Treasurer

APPENDIX

| PARKING DEMAND (2014-12) | | | | | |
|--|---|---------|--------|------|-----------------------|
| Source: <u>Parking Generation, 4th Edition, ITE</u> | | | | | |
| NOTES: | | | | | |
| Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown. | | | | | |
| 85th Percentile - not provided in certain cases with a very limited number of studies; highest value of studies shown. | | | | | |
| Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown. | | | | | |
| | | Average | 85th % | Peak | Per |
| 000 | Port and Terminal | | | | |
| 021 | Commercial Airport | 0.84 | 1.48 | | daily enplanement |
| 093 | Light Rail Transit Station with Parking | 136.00 | 212.0 | | 1,000 daily boardings |
| | | Average | 85th % | Peak | Per |
| 100 | Industrial | | | | |
| 110 | General Light Industrial | 0.75 | 1.13 | | 1,000 sq. ft. GFA |
| 110 | General Light Industrial | 0.64 | 0.81 | | employee |
| 130 | Industrial Park | 0.62 | 1.85 | | 1,000 sq. ft. GFA |
| 130 | Industrial Park | 0.89 | 0.98 | | employee |
| 140 | Manufacturing | 1.02 | 1.18 | | 1,000 sq. ft. GFA |
| 140 | Manufacturing | 0.97 | 1.14 | | employee |
| 150 | Warehousing | 0.51 | 0.81 | | 1,000 sq. ft. GFA |
| 150 | Warehousing | 0.78 | 1.01 | | employee |
| 151 | Mini-Warehouse | 0.14 | 0.17 | | 1,000 sq. ft. GFA |
| 200 | Residential - See §606B | | | | |
| | | Average | 85th % | Peak | Per |
| 300 | Lodging | | | | |
| 310 | Hotel | 1.20 | 1.54 | | room |
| 311 | All Suites Hotel | | | 1.30 | room |
| 312 | Business Hotel | 0.60 | 0.75 | | room |
| 320 | Motel | 0.71 | 0.85 | | room |
| 330 | Resort Hotel | 1.29 | 1.59 | | room |
| | | Average | 85th % | Peak | Per |
| 400 | Recreational | | | | |
| 411 | City Park | | | 5.10 | acre |
| 414 | Water Slide Park | 72.90 | | | acre |
| 420 | Marina | 0.59 | | | berth |
| 430 | Golf Course | 8.68 | 9.83 | | hole |
| 435 | Multipurpose Recreational Facility | 1.78 | | | hole |
| 435 | Multipurpose Recreational Facility | 10.67 | | | 1,000 sq. ft. GFA |
| 435 | Multipurpose Recreational Facility | 16.00 | | | acre |
| 437 | Bowling Alley | 5.02 | 5.58 | | lane |
| 438 | Billiard Hall | 6.56 | | | 1,000 sq. ft. GFA |
| 438 | Billiard Hall | 2.89 | | | billiard table |
| 440 | Adult Cabaret | 5.90 | | | 1,000 sq. ft. GFA |
| 441 | Live Theater | 0.38 | 0.39 | | attendee |
| 441 | Live Theater | 0.25 | 0.32 | | seat |
| 444 | Movie Theater with Matinee | 0.26 | 0.36 | | seat |
| 445 | Multiplex Movie Theater | 0.15 | 0.20 | | seat |
| 445 | Multiplex Movie Theater | 36.20 | 45.00 | | screen |

| 400 | Recreational | Average | 85th % | Peak | Per |
|------------|------------------------------------|----------------|---------------|-------------|--------------------|
| 464 | Roller Skating Rink | 5.80 | | | 1,000 sq. ft. GFA |
| 465 | Ice Skating Rink | 3.90 | | | 1,000 sq. ft. GFA |
| 466 | Snow Ski Area | 1.31 | 1.62 | | acre of ski trails |
| 466 | Snow Ski Area | 0.25 | 0.31 | | daily lift ticket |
| 473 | Casino/Video Lottery Establishment | | | 35.34 | 1,000 sq. ft. GFA |
| 473 | Casino/Video Lottery Establishment | | | 1.42 | gaming position |
| 481 | Zoo | | | 12.10 | acre |
| 488 | Soccer Complex | 56.3 | 69.30 | | field |
| 490 | Tennis Courts | | | 3.16 | tennis court |
| 491 | Racquet/Tennis Club | 3.56 | 4.13 | | court |
| 492 | Health/Fitness Club | 5.27 | 8.46 | | 1,000 sq. ft. GFA |
| 492 | Health/Fitness Club | 0.13 | 0.16 | | member |
| 493 | Athletic Club | 3.55 | 4.94 | | 1,000 sq. ft. GFA |
| 493 | Athletic Club | 0.07 | 0.21 | | member |
| 495 | Recreational Community Center | 3.20 | 5.03 | | 1,000 sq. ft. GFA |
| | | | | | |
| 500 | Institutional | Average | 85th % | Peak | Per |
| 520 | Elementary School | 0.17 | 0.21 | | student |
| 522 | Middle School/Junior High School | 0.09 | 0.10 | | student |
| 525 | School for the Blind | | | 1.08 | student |
| 525 | School for the Blind | | | 1.47 | employee |
| 525 | School for the Blind | | | 2.67 | 1,000 sq. ft. GFA |
| 530 | High School | 0.23 | 0.25 | | student |
| 536 | Private School (K-12) | 0.39 | | | student |
| 540 | Junior/Community College | 0.18 | 0.20 | | school population |
| 550 | University/College | 0.33 | 0.38 | | school population |
| 560 | Church | 8.37 | 14.38 | | 1,000 sq. ft. GFA |
| 560 | Church | 0.20 | 0.25 | | seats |
| 560 | Church | 0.45 | 0.60 | | attendee |
| 561 | Synagogue | | | 0.41 | attendee |
| 562 | Mosque | 17.32 | 25.79 | | 1,000 sq. ft. GFA |
| 565 | Day Care Center | 3.16 | 3.70 | | 1,000 sq. ft. GFA |
| 565 | Day Care Center | 0.24 | 0.33 | | student |
| 565 | Day Care Center | 1.38 | 1.78 | | employee |
| 580 | Museum | 1.32 | 1.79 | | 1,000 sq. ft. GFA |
| 590 | Library | 2.61 | 4.19 | | 1,000 sq. ft. GFA |
| 595 | Convention Center | | | 0.44 | attendee |
| | | | | | |
| 600 | Medical | Average | 85th % | Peak | Per |
| 610 | Hospital | 2.50 | 3.41 | | 1,000 sq. ft. GFA |
| 610 | Hospital | 4.49 | 7.35 | | bed |
| 610 | Hospital | 0.81 | 1.08 | | employee |
| 612 | Surgery Center | | | 5.67 | operating room |
| 620 | Nursing Home | 0.98 | 1.50 | | 1,000 sq. ft. GFA |
| 620 | Nursing Home | 0.35 | 0.48 | | bed |
| 620 | Nursing Home | 0.88 | 1.51 | | employee |
| 630 | Clinic | 4.94 | 4.96 | | 1,000 sq. ft. GFA |
| 640 | Animal Hospital/Veterinary Clinic | | | 1.60 | 1,000 sq. ft. GFA |
| 640 | Animal Hospital/Veterinary Clinic | | | 1.40 | employee |

| 700 | Office | Average | 85th % | Peak | Per |
|-----|---|---------|--------|-------|-------------------|
| 701 | Office Building | 2.84 | 3.45 | | 1,000 sq. ft. GFA |
| 701 | Office Building | 0.83 | 0.98 | | employee |
| 720 | Medical-Dental Office Building | 3.20 | 4.27 | | 1,000 sq. ft. GFA |
| 730 | Government Office Building | 4.15 | 6.13 | | 1,000 sq. ft. GFA |
| 730 | Government Office Building | 0.83 | 1.01 | | employee |
| 732 | United States Post Office | | | 33.20 | 1,000 sq. ft. GFA |
| 732 | United States Post Office | | | 2.01 | employee |
| 735 | Judicial Complex | | | 4.10 | 1,000 sq. ft. GFA |
| 735 | Judicial Complex | | | 0.80 | employee |
| | | | | | |
| 800 | Retail | Average | 85th % | Peak | Per |
| 812 | Building Materials and Lumber Store | | | 1.69 | 1,000 sq. ft. GFA |
| 813 | Free-Standing Discount Superstore | 4.49 | 5.54 | | 1,000 sq. ft. GFA |
| 816 | Hardware/Paint Store | | | 2.87 | 1,000 sq. ft. GFA |
| 820 | Shopping Center | 4.67 | 5.91 | | 1,000 sq. ft. GFA |
| 843 | Automobile Parts Sales | 2.25 | 2.74 | | 1,000 sq. ft. GFA |
| 845 | Motocycle Dealership | | | 2.97 | 1,000 sq. ft. GFA |
| 848 | Tire Store | | | 4.17 | 1,000 sq. ft. GFA |
| 850 | Supermarket | 3.78 | 5.05 | | 1,000 sq. ft. GFA |
| 851 | Convenience Market (Open 24 Hours) | 3.11 | 3.79 | | 1,000 sq. ft. GFA |
| 853 | Convenience Market With Gasoline Pumps | 8.38 | 10.50 | | 1,000 sq. ft. GFA |
| 854 | Discount Supermarket | | | 5.80 | 1,000 sq. ft. GFA |
| 857 | Discount Club | 2.90 | 3.93 | | 1,000 sq. ft. GFA |
| 859 | Liquor Store | | | 2.98 | 1,000 sq. ft. GFA |
| 861 | Sporting Goods Superstore | 1.78 | 2.40 | | 1,000 sq. ft. GFA |
| 862 | Home Improvement Superstore | 3.19 | 4.34 | | 1,000 sq. ft. GFA |
| 863 | Electronics Superstore | | | 3.03 | 1,000 sq. ft. GFA |
| 864 | Toy/Children's Superstore | 1.94 | | | 1,000 sq. ft. GFA |
| 866 | Pet Supply Superstore | | | 1.17 | 1,000 sq. ft. GFA |
| 867 | Office Superstore | | | 0.61 | 1,000 sq. ft. GFA |
| 868 | Book Superstore | | | 0.89 | 1,000 sq. ft. GFA |
| 876 | Apparel Store | | | 17.02 | 1,000 sq. ft. GFA |
| 880 | Pharmacy/Drugstore without Drive-Through Window | 2.94 | 3.74 | | 1,000 sq. ft. GFA |
| 880 | Pharmacy/Drugstore without Drive-Through Window | 3.73 | 5.10 | | employee |
| 881 | Pharmacy/Drugstore with Drive-Through Window | 2.18 | 2.94 | | 1,000 sq. ft. GFA |
| 881 | Pharmacy/Drugstore with Drive-Through Window | 1.63 | 2.20 | | employee |
| 890 | Furniture Store | 1.04 | 1.34 | | 1,000 sq. ft. GFA |
| 890 | Furniture Store | 1.73 | 2.16 | | employee |
| 892 | Carpet Store | 1.79 | 3.00 | | 1,000 sq. ft. GFA |
| 892 | Carpet Store | 2.27 | 3.20 | | employee |
| 896 | Video Rental Store | 2.41 | 2.76 | | 1,000 sq. ft. GFA |

| 900 | Services | Average | 85th % | Peak | Per |
|-----|---|---------|--------|------|-------------------|
| 912 | Drive-in Bank | 4.00 | 5.67 | | 1,000 sq. ft. GFA |
| 920 | Copy, Print and Express Ship Store | | | 3.00 | 1,000 sq. ft. GFA |
| 931 | Quality Resturant | 16.40 | 22.70 | | 1,000 sq. ft. GFA |
| 931 | Quality Resturant | 0.47 | 0.67 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (No Bar or Lounge) | 13.50 | 20.60 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (With Bar or Lounge) | 16.30 | 20.40 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (No Bar or Lounge) | 0.35 | 0.54 | | seat |
| 932 | High-Turnover (Sit-Down) Resturant (With Bar or Lounge) | 0.48 | 0.73 | | seat |
| 933 | Fast-Food Resturant without Drive-Through Window | 12.40 | 14.50 | | 1,000 sq. ft. GFA |
| 933 | Fast-Food Resturant without Drive-Through Window | 0.52 | 0.77 | | seat |
| 934 | Fast-Food Resturant with Drive-Through Window | 9.98 | 15.13 | | 1,000 sq. ft. GFA |
| 934 | Fast-Food Resturant with Drive-Through Window | 0.35 | 0.64 | | seat |
| 936 | Coffee/Donut Shop without Drive-Through Window | 13.56 | 17.33 | | 1,000 sq. ft. GFA |
| 937 | Coffee/Donut Shop with Drive-Through Window | 10.40 | 18.97 | | 1,000 sq. ft. GFA |
| 939 | Bread/Donut/Bagel Shop without Drive-Through Window | | | 9.78 | 1,000 sq. ft. GFA |
| 940 | Bread/Donut/Bagel Shop with Drive-Through Window | | | 4.50 | 1,000 sq. ft. GFA |
| 945 | Gasoline/Service Station with Convenience Market | 0.75 | 1.03 | | fueling position |
| 960 | Dry Cleaners | 1.40 | 2.44 | | 1,000 sq. ft. GFA |