Greenfield Township Zoning Ordinance

11/10/2026

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1. General Provisions

1.1 Title and Short Title

111. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Greenfield Township, Lackawanna County, Pennsylvania, and for said purposes dividing Greenfield Township into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

112. Short Title.

This Ordinance shall be known and may be cited as the "Greenfield Township Zoning Ordinance."

1.2 Purpose

This Ordinance is enacted for the following purposes:

121. To promote, protect and facilitate any or all of the following: the public health, safety, and the general welfare: coordinated and practical community development and proper density of population: emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, vehicle parking and loading space, transportation, water, sewerage, schools, recreation facilities, public grounds, the provision of a safe reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements: as well as the protection of prime agricultural land, and the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
122. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
123. To provide for the use of land within the Municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-

family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.

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

1.3 Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Greenfield Township. As such, this Ordinance is based upon the expressed or implied community development goals and objectives in the Community's adopted Comprehensive Plan as well as those listed below.

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

132. Goals and Objectives. Any community conservation and land use control effort by its very nature, must include goals. Without goals, there would be little direction to the future of the community. In the case of planning for a rural community like Greenfield Township, goals establish the framework for change and growth management, and the foundation for maintaining key community characteristics. Goals pronounce the community's expectations and provide a vision of how the community is expected to evolve into the future. Objectives are specific actions which are designed to achieve goals and satisfy community needs. Effecting objectives improves the physical condition of the community and sustains and enhances the overall quality of life.
The following goals and objectives were developed by the Township Planning Commission and Board of Supervisors based on the resident opinions and expectations expressed at public meetings conducted as part of the zoning ordinance development process. The goals and objectives are intended to serve the Township as a guide for land use control decision making. Any significant action taken by a local municipality, be it the adoption or revision of a zoning ordinance or the improvement of a municipal building, should be evaluated in terms of the community's goals and objectives. In addition, community planning and land conservation and development control is an on-going process, and the Township must periodically evaluate its goals and objectives to assure that they adequately reflect current community conditions and the expectations of Township residents and officials.

133. Goal 1. <u>Maintain the township's existing rural-agricultural character and quality lifestyle; and, conserve open land, agricultural land, and forest land as an important element of the local economy.</u>
The Township's physical environment, regional location and past development practices have shaped and maintained its character as a rural-agricultural community with limited commercial development. The balance of the Township remains largely undeveloped with scattered single-family dwellings on lots one acre and larger, along with very limited commercial uses and some home occupations. Agriculture continues to play a role in the character of the community, with several active farms and many acres of agricultural land, primarily in pasture and fodder production. Most of the Township's steep slope areas and other land not suited to agriculture is forested; these areas supporting some lumber and pulp harvesting. Maintaining open land and the quality lifestyle associated with it is key to the economic future of the area. The county has documented the importance of agriculture, forestry and open land in general as an element of the Township's existing character, and future expectations for land conservation as suggested by the extensive participation of the owners of larger properties in the agricultural district program.

Greenfield Township is perceived as an attractive community offering a high quality of life. Future development must be controlled and managed with an overriding concern to sustain the Township's community character.

Objectives:

a. Preserve agricultural land, open space, significant natural features, and sensitive land areas,
b. Develop local land use controls including flexible zoning performance standards to control density and minimize conflicts between existing and future development, and update the controls periodically to address changing conditions.
c. Consider the use of "Rural Resource" zoning to cluster residential development away from important natural, scenic and cultural features, and preserve the resulting open space.
d. Investigate the use of Act 319 "Clean and Green" and other tax incentive programs as a means of forestalling development.
e. Encourage continued participation in the Pennsylvania Agricultural Security Areas Program which provides operational protection to farmers.
f. Evaluate, in cooperation with the Lackawanna County Planning Commission, more progressive means of open and agricultural land preservation including open land zoning, purchase of easements, and transfer of development rights, especially in cooperation with conservancy and land trust organizations.
g. Assure that adequate community facilities including sewage disposal and water supply are provided for new development.
h. Encourage the use of soil based methods for sewage disposal; that is, on-site subsurface disposal and land application, instead of collection and treatment facilities with a surface water discharge.
i. Carefully control the location and scale of commercial establishments while recognizing the importance of such development to the convenience of local residents and the tax base.
j. Limit heavy commercial uses and industrial uses by establishing performance standards to control noise; outdoor manufacturing, processing and storage; lighting; and other potential effects.
k. Control common law nuisances and threats to public health and safety due to, among others, noise, lack of property maintenance, poor building practices, junk accumulation, odors and uncontrolled burning.

134. Goal 2. Recognize the importance of natural features to the character, tax base and economy of the township, along with the recreational importance to the region; and take the necessary action to sustain this role.

Careful regulation of development around the lakes, and within their watersheds, is vital to continued good water quality and recreational appeal. Increasing numbers of boats on the already busy lakes present public health and safety concerns which must be addressed along with land use issues.

Objectives:

a. Use zoning to direct new commercial and residential development to areas where land is adequate to provide facilities necessary to support development (e.g., parking) and safeguards to protect the lakes (e.g., setbacks, maximum lot coverage).
b. Require as part of the land use control process the assessment of development, residential and nonresidential, on the water quality and use of the lakes.
c. Provide standards to control the use of existing lots in the lakes' watersheds to minimize negative effects on water quality.
d. Consider adopting use regulations applicable to the lakes recognizing that Article VI of the Pennsylvania Municipalities Planning Code enables local municipalities to adopt zoning ordinances which may permit, prohibit, regulate, restrict and determine uses of land, watercourses and other bodies of water.
e. Work with the Pennsylvania Fish Commission, the Pennsylvania Department of Environmental Protection and other agencies to identify and address water quality and public safety issues.

135. Goal 3. <u>Conserve natural resources and open space in Greenfield Township and use the resources in a way to sustain the area's economy.</u>

Exploitation of natural resources and sensitive environmental areas in the Township can lead to the decline of the attractive rural character of the area and the quality lifestyle it affords, with eventual direct threats to public health and safety. Of special concern are soil and water resources.

Objectives:

a. Identify sensitive natural areas such as wetlands, groundwater recharge areas, woodlands, steep slopes, poor soils and flood plains, and adopt regulations to protect such areas.
b. Evaluate Township land use controls in terms of effects on open space and modify to maintain open space to the greatest extent possible.
c. Maintain up-to-date standards in Township ordinances for storm water control, soil erosion and sedimentation control, sewage disposal, solid waste disposal and other environmental concerns.
d. Consider the use of land use control incentives, for the preservation of large sensitive areas such as prime agricultural land.

136. Goal 4. Encourage commercial and industrial development located and designed to be compatible with existing land use.
A healthy economy fosters a healthy community by providing business development and employment opportunities. Given the historical development pattern of the Township with limited commercial development, residents rely on the greater Scranton and NorLACK area for employment, shopping and personal services. Local government may choose to not take a direct role in economic development, but can institute land use control and development policies that have a positive effect on the local economy and tax base, while addressing community conservation concerns.
Objectives:
    a. Use the Township Zoning Ordinance to direct new commercial development to areas of existing commercial development and where community facilities are adequate.
    b. Limit heavy commercial uses and industrial uses by establishing performance standards to control noise; outdoor manufacturing, processing and storage; lighting; and other potential effects
    c. Promote local economic viability by allowing home occupations consistent with residential and agricultural zoning districts and the overall community character.
    d. Recognize the importance of the regional economy and monitor and participate in county and regional business development activities.
    e. Adopt commercial and industrial development standards to protect the public health and safety and preserve community character.
137. Goal 5. Provide for a variety of housing types and densities.
Families and individuals of all income levels reside in the Township and need continued access to decent and affordable housing with proper community facilities. The special needs of young families looking for their first home and senior citizens on fixed incomes must be addressed.
Objectives:
    a. Allow residential development in certain areas at a density sufficiently high to moderate the increasing cost of housing.
    b. Encourage the rehabilitation and adaptive reuse of existing older homes which typically are larger and more difficult to maintain, especially for individuals on fixed incomes.
    c. Investigate and encourage participation in all county, state and federal housing rehabilitation and assistance programs to assure Township residents have the opportunity to receive full benefit from such programs.

d. Require all residential development to meet adequate design standards and provide proper community facilities via the Subdivision and Land Development Ordinance.
e. Require in the Subdivision Ordinance the continued ownership and maintenance of all improvements and facilities associated with residential development.
f. Foster a housing market affordable to younger and fixed-income residents by carefully evaluating the affect of land use controls on the cost of housing.

138. Goal 6. Assure that community facilities and services which will be adequate to meet expected needs are provided.

Township residents rely on community and public facilities and services to meet their transportation, educational, water supply, sewage disposal, police protection, emergency response, recreation and other daily living needs. The Township does not, and cannot, provide all the facilities and services demanded by its residents, many such services being provided by other levels of government or volunteer organizations. Nevertheless, without diligent and ongoing attention to the operation and maintenance of existing facilities and services, and planning for new facilities and services, a municipality can fall short In adequately serving its residents.

Objectives:

a. Systematically identify local municipal community facilities and services needs, including useful life replacement of existing facilities, and develop a capital budget to meet the needs.
b. Provide necessary maintenance of existing Township community facilities to extend the useful life and forestall unnecessary capital expenditures.
c. Encourage and continue to support volunteer fire, ambulance and other public service organizations.
d. Assess recreation needs of Township residents and develop a program to provide recreation opportunities which are not adequately provided by the local school district or other organizations.
e. Monitor the need for local police protection with a clear understanding of the large financial commitment necessary to maintain a local police department, and consider methods to provide affordable police protection using local and cooperative resources, as well as the Pennsylvania State Police.
f. Assure that an adequate and safe water supply system, sewage collection and conveyance system, well designed and constructed roads and other facilities are provided by developers as part of any residential development.
g. Manage all Township facilities and services efficiently and effectively.

h. Attempt to foster regional, intergovernmental cooperation for community facilities planning and economies of scale for police services, joint purchasing, recreation and other facilities and services.
i. Maintain up-to-date standards in Township ordinances for storm water control, soil erosion and sedimentation control, sewage disposal, solid waste disposal and other environmental concerns.

139. Goal 7. Establish and maintain a road system adequate to safely and efficiently move goods and people through the township.

Safe and well-maintained roads are vital to all communities, serving not only as the means of travel within the community, but as the direct link to the region and beyond. The Township has direct jurisdiction over approximately thirty-two (32) miles of the roads in the community, being responsible for improvements and maintenance, with the more heavily traveled routes generally owned and maintained by the State. Most Township roads are gravel and are not designed to carry large volumes of traffic or bear the weight of large numbers of commercial truck traffic. Land use controls must take into consideration the capacity of roads, directing commercial and higher density development to areas served by roads capable of carrying increased traffic and the trucks necessary to serve commercial establishments.

Objectives:

a. Inventory and classify according to function all public roads in the Township and assess maintenance and improvements needed.
b. Identify key intersections and other problem areas, and plan for improvements.
c. Maintain the adequacy of roads by requiring adequate off-street parking and loading, limited curb cuts, well defined access points, and standards for dedication of roads to the Township.
d. Limit higher density and higher traffic impact development to areas with adequate highway capacity to accommodate such development.
e. Develop a road and intersection maintenance and capital improvements program.
f. Maintain an up-to-date Township road ordinance setting standards for construction of public roads and establishing procedures for dedication to the Township.
g. Actively participate in all County and PA DOT highway planning programs.
h. Encourage intermunicipal cooperation as a means of addressing regional highway needs.
i. Require as part of zoning approval for new or expanded uses, the issuance of a highway occupancy permit by the Township, or PA DOT as appropriate.

j. Maintain an up-to-date Township road occupancy ordinance setting standards for driveway access to Township roads and storm water and utility improvements within the Township road right-of-way.

1.4 Interpretation

141. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of the public health, safety, morals, and general welfare of Greenfield Township. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.
142. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

1.5 Applicability, Severability, and Scope

151. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by the Greenfield Township Zoning Hearing Board through a special exception or variance.
152. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of the Greenfield Township Board of Supervisors that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.
153. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or

welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and Greenfield Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

1.6 Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the Greenfield Township Board of Supervisors hereby enacts and ordains into an ordinance this document on the date of _____, 2026. All zoning ordinances of Greenfield Township previously in adoption are hereby repealed.

2. Definitions

2.1 Interpretation and word usage.

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

211. Words used in the present tense include the future tense.
212. The singular number includes the plural, and the plural number includes the singular.
213. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
214. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
215. If a word is not defined in this Ordinance but is defined in other ordinances of the Greenfield Township Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another Greenfield Township Ordinance, each definition shall apply to the provision of each applicable ordinance.
216. The words “such as,” “includes,” “including,” and “e.g.” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
    a. The words “shall” or “must” are mandatory.
    b. The words “may” or “should” are permissive.
    c. The word “lot” includes the words “plot,” “parcel,” and “property.”
217. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.
218. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”
219. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

2.2 Definitions.

The words, terms, and phrases in this article are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

221. Land Use Definitions

1. *Accessory Solar Energy System (ASES)* – An area of land used for power generation consisting of a solar energy collection system, which is used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily for on-premise use. An accessory solar energy system consists of one (1) or more freestanding ground- or roof mounted solar arrays, cells, or modules.
2. *Assisted Care Dwelling Unit for Relative.* A living area attached to the principal dwelling unit or separate mobile home especially erected for and limited to the temporary occupancy by a person who is "family" (see definition) to the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others, or physical handicap.
3. *Agriculture.* See "Normal Agricultural Operations".
4. *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.
5. *Airport.* A tract of land, with or without buildings, where airplanes, jets, helicopters and or/and other type of aircraft land and take off.
6. *All other residential uses not otherwise listed.* If a residential land use is not specifically assigned herein or within the Zoning Ordinances of the other four (4) Municipalities (City of Carbondale, Carbondale Township, Mayfield Borough and Jermyn Borough), as amended, it is categorized as "Any Other Residential Land Use Not Assigned Otherwise" and shall comply with the regulations specified within this Ordinance, as amended.
7. *Animal Hospital / Vet Clinics.* A building routinely used for the treatment, housing or boarding of animals. It involves treatment of only small domestic animals typically seen at veterinarian offices, including but not limited to dogs, cats, rabbits, birds, or fowl.
8. *Assisted Living Facility.* A building, establishment, complex or distinct part thereof which: a) accepts primarily aged persons (62 years of age or older) for domiciliary care; and b) provides on-site to its residents, room, board, non-medical living assistance services appropriate to the residents' respective needs and contract

medical services as prescribed by each resident's treating physician. Such facility shall provide services to sixty (60) or more residents.

9. *Automobile Repair.* 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.
10. *Bakery Retail.* An establishment that produces and sells baked goods such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.
11. *Bed and Breakfast Establishment.* Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for remuneration with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.
12. *Boarding House / Rooming House.* A residential use in which:
    a. room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation; or
    b. a dwelling unit includes greater than the permitted maximum number of unrelated persons.

    A boardinghouse shall not include a use that meets the definition of a hotel, dormitory, motel, 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 or more consecutive days.
13. *Camps/ Retreats.* 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.
14. *Car Wash.* A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.
15. *Catering Establishment.* A food preparation facility that prepares food for consumption on the premises or for delivery to another site. A facility for group dining, but not a restaurant where individuals order from a menu and pay based on the menu selection.
16. *Cemeteries and Mausoleums.* An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter.

17. *Charging Stations.* A facility or equipment designed to charge, by connective or inductive means, a battery within an electric vehicle or plug-in hybrid electric vehicle by permitting the transfer of electricity to a battery or other storage device in an electric vehicle.
18. *Child Day Care Facilities.* A use Involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also Include educational programs that are supplementary to State-required education, including a ""nursery school."" The following three types of day care are permitted without regulation by this Ordinance:
    a. care of children by their own relatives,
    b. care of children within a place of worship during regularly scheduled weekly religious services and
    c. care of 1 to 3 children within any dwelling unit, in addition to children who are relatives of the care giver.

    See also the definition of "adult day care center" as defined in either City of Carbondale or Jermyn Borough.
19. *Clubs and Lodges.* A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.
20. *Commercial Communication Antenna.* A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of a "standard antenna" as defined by Pennsylvania Code or other relevant authority. Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for cellular telephone communications.
21. *Commercial Communication Tower.* Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to self-supporting lattice towers, guy towers and monopoles, utility poles and light poles.
22. *Community Intervention Center, Type 1.* A non-residential facility where one or more of the following services are provided to clients: situational advising, referrals to local drug and alcohol abuse and mental health services, temporary address and mail privileges, telephone contact, message board, behavioral health groups, crisis intervention, representative payee services and resource coordination.

23. *Compost Facility.* A facility where organic waste material is processed in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.
24. *Concentrated Animal Feeding Operation* It is an agricultural operation that meets one or more of the following criteria under DEP's Chapter 92A:
    a. The operation is considered a Concentrated Animal Operation (CAO) with greater than 300 Animal Equivalent Units (AEUs); or
    b. The operation maintains an animal population of greater than 1,000 AEUs; or
    c. The operation is defined as a large CAFO under U.S. Environmental Protection Agency (EPA) regulations at 40 CFR 122.23(b)(4)

    Also refer to Article 746.2.
25. *Concentrated Animal Operation* An agricultural operation with eight or more AEUs where the animal density exceeds two AEUs per acre on an annualized basis. An AEU is one thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit (As per DEP's Chapter 83).
26. *Contractors' Yards.* Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.
27. *Convenience Store.* A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "food market"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.
28. *Crematory.* A furnace or apparatus for burning animal or human remains to bone fragments.
29. *DAS.* A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.
30. *Drive in Uses.* Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.
31. *Dwelling 2 family, Detached.* A detached or semi-detached building (permanent structure) where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar.
32. *Dwelling 2 family, Duplex semi-attached.* A dwelling (permanent structure) accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each

dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance.

33. *Dwellings, Multi Family.* A building (permanent structure) containing three or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple-family dwelling shall comply with all of the requirements for that type of multiple-family dwelling in that district.
    a. Garden Apartment. A multi-family dwelling not exceeding two and one-half (2 ½) stories in height and containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
    b. Apartment Buildings. A multi-family dwelling containing dwelling units having only one (1) floor and typically with an entrance door to a common hallway shared by other dwelling units.
34. *Dwellings, Townhouse.* A low-rise multiple family building (permanent structure) in which each dwelling unit extends from ground to roof and contains two points of independent outside access.
35. *Farm Equipment Sales.* Any building or land devoted to the retail sales of farm equipment, including accessory service and repair facilities if conducted within a completely enclosed building.
36. *Farmers Market.* It shall include any building, structure or other place:
    a. owned, leased or otherwise in the possession of a person, municipal corporation or public or private organization;
    b. used or intended to be used by two or more farmers or an association of farmers, who are certified by the Department of Agriculture of the Commonwealth to participate in the Farmers' Market Nutrition Program subject to 7 CFR Pt. 249 (relating to Senior Farmers' Market Nutrition Program (SFMNP)), for the purpose of selling agricultural commodities produced in this Commonwealth directly to consumers;
    c. which is physically located within this Commonwealth;
    d. which is not open for business more than twelve hours each day.
37. *Forestry.* Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

38. *Funeral Homes and Undertakers.* A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.
39. *Golf Course/ Country Club.* 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 course or golf driving ranges.
40. *Golf Driving Range.* A facility or area where golfers practice driving golf balls, which can be attached to a golf course or operate as a stand-alone facility. Distances are typically shown with targets at measured distances.
41. *Group Homes.* A dwelling unit shared by seven or more handicapped persons who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons residing on the premises provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.
42. *Heavy construction equipment storage yards.* A facility designed for the storage, staging, and dispatching of heavy construction vehicles and equipment, including but not limited to trucks, excavators, bulldozers, and related machinery. These yards serve as centralized locations where workers park their personal vehicles and transfer to construction vehicles or equipment for deployment to job sites. Such facilities may include areas for minor maintenance, fueling, and washing of equipment, provided these activities are incidental to the primary storage and dispatching function.
43. *Heliport.* An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.
44. *Home Based Businesses.* 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:

a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
b. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
c. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
d. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
e. The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
f. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable area.
g. The business may not involve any illegal activity.

45. *Home Occupation.* Not otherwise a home based business, any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is contacted and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; and may include professional practice (limited to a single practitioner) of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses, excluding commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops and other uses not meeting the requirements of this Zoning Ordinance.

46. *Kennels.* Any accessory building or building or land designed or arranged for care of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

47. *Landfill.* A lot or land or part thereof, licensed and regulated by the Township and in conformance with the Pennsylvania Department of Environmental Resources requirements, that is used for the disposal and treatment of solid waste.

48. *Libraries.* A noncommercial use that exists solely to provide leisure and educational activities and programs to the general public or certain age groups.

The use also may include the noncommercial preparation and/or provision of meals to low-Income elderly persons. This shall not include residential uses or a "treatment center."

49. *Lumber Mill.* A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.
50. *Medical Marijuana Grower/ Processor.* A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the department under the Act 16 of Commonwealth of Pennsylvania to grow and process medical marijuana.
51. *Medical Marijuana Dispensary Facilities.* A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act 16 of Commonwealth of Pennsylvania.
52. *Meeting, Assembly and Banquet Hall.* A building or structure designed to host, speakers, seminars, presentations and similar events. Differs from a theater in that theaters are primarily designed for artistic performances such as plays, movies and other stage shows.
53. *Micro-Breweries.* An establishment which produces alcoholic beverage for on- site or off-site sale and distribution, and which may include a brew pub and tasting room on the premise, or as otherwise defined as “Manufacturer” by Chapter 47, the Pennsylvania Liquor Code, as amended. Beverage production must be less than 15,000 gallons per year of brewed and malt beverages unless otherwise Regulated by the Pennsylvania Liquor Control Board.
54. *Mineral Extraction.* The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.
55. *Mineral Processing.* The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to,

concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

56. *Mixed Use Structure.* A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.
57. *No Impact Home 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.
58. *Normal Agricultural Operations.* The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, viticultural, apicultural, silvicultural and aquacultural crops and commodities and is:
    a. not less than ten contiguous acres in area; or
    b. less than ten contiguous acres in area but has an anticipated yearly gross income of at least $10,000.

    The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, sawmills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.
59. *Nurseries and Greenhouses.* A structure, typically constructed of metal or wood framework and covered with glass for plastic, used for private use.
60. *Nursing Homes.* A use which provides for the long term care and treatment for two or more convalescents and other persons who are not relatives of the operator who are not acutely ill and do not need hospital care, but who require skilled nursing care and related medical services in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. Such a facility shall be licensed by the Commonwealth of Pennsylvania for the use.
61. *Oil and Gas Well Facilities.* The term includes the following:

a. Oil and Gas Well Development: Well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
b. Oil and Gas Well and Pipeline Location Assessment: Includes seismic operations and related activities conducted in accordance with all applicable Federal and State laws and regulations relating to the storage and use of explosives.
c. Oil and Gas Fluid Storage/impoundment: Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
d. Construction, installation, use, maintenance and repair of:
    i. oil and gas pipelines;
    ii. natural gas compressor stations; and
    iii. natural gas processing plants or facilities performing equivalent functions; and
e. Construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in Subsections A, C and D above, to the extent that:
    i. the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
    ii. the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.
f. Oil or Gas Pipeline: All parts of those facilities through which a hazardous liquid or carbon dioxide moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. (Reference: Code of Federal Regulations, Title 49, §192.3 and §195.2.)
g. Oil or Gas Well: A type of major 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. (Reference: PA Oil and Gas Act.)

h. Oil or Gas Well Pad: The area used for development and production of an oil or gas well including buildings, structures, parking and storage areas and all associated disturbed areas and all activities associated with an oil or gas well after drilling activities are complete.
i. Oil or Gas Well Site: Areas occupied by all equipment or facilities necessary for or incidental to drilling, production or plugging an oil or gas well.
j. Natural Gas Compressor Station: 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, alter or transform the pipeline product.
k. Natural Gas Processing Plant: Any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both. (Reference: Code of Federal Regulations, Title 40, §60.631)

62. *Open Space Conservation.* A passive land use wherein the prime purpose is preservation of public open space, natural wildlife habitats, floodplains, wetlands and other sensitive natural areas, as well as scenic areas. Uses may include but are not limited to recreation, trails, accessory parking and forestry.
63. *Outdoor Furnace.* Any device, contrivance or apparatus or any part thereof, including but not limited to, a boiler, fire box exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit and like devices, which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed therefrom by conduit or other mechanism into any interior space for the supply of heat or energy.
64. *Parks and Playgrounds.* Open areas with or without such amenities as play equipment, pavilions, athletic courts or fields, trails or similar elements, which are government-owned and -operated.
65. *Personal care homes or centers.* A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Treatment Center" as defined by the Commonwealth of Pennsylvania.
66. *Personal Services.* Places primarily providing services, which do not involve retail sales or professional advisory services. The term "Personal Services" shall include those oriented to serving personal needs, such as barber and beauty shops,

animal or dog grooming businesses, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, laundromat and other similar establishments. This use shall include any place or establishment where a massage is available, with a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school but shall not include any activity otherwise defined in or included under any Adult Business-related use.

67. *Places of Worship.* Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."
68. *Principal Solar Energy System (PSES)* – An area of land used for power generation consisting of a solar energy collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily for off-premise use. Principal solar energy systems consist of one (1) or more freestanding ground- or roof-mounted solar arrays, cells, or modules, related equipment, and other accessory structures and buildings, including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures. PSES facilities are also referred to as utility-scale solar installations.
69. *Professional Services/ Offices*. The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be incidental to the residential occupancy, shall be conducted by a member of the residential family entirely within a residential building, and shall include only the offices of doctors, or physicians, dentists, optometrists, ministers,· architects, landscape architects, professional engineers, lawyers, artists, authors and such other similar professional occupations which may be so designated by the Zoning Hearing Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for similar training and experience as a condition for the practice thereof and that the practice of such occupation shall in no way adversely affect the safe and comfortable enjoyment of property rights in any zone to a greater extent than for the professional activities listed herein. The issuance of a State or Local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

70. *Public and Semi-Public buildings and uses.* Any structure, building or use owned and operated by a government body or agency including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals and other use specifically defined by this Ordinance.
71. *Public Utility Facility.* A facility, structure, or use operated by a public or private utility provider for the generation, transmission, distribution, or regulation of essential public services, including but not limited to electricity, natural gas, water, wastewater, stormwater, telecommunications, or cable services. Such facilities may include substations, pump stations, water towers, treatment plants, switching facilities, or similar infrastructure.
72. *Recreation Facilities, Private.* 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, picnic groves and other associated facilities.
73. *Recreation Facilities, Public.* Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.
74. *Restaurants, Traditional.* An establishment whose principal business is the sale of food or beverages to the customer in a ready-to-consume state and whose principal method of operation includes one of the following characteristics. Customers, normally provided with a menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the items are consumed.
75. *Retail Stores.* A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.
76. *Sawmills and Planning Mills.* Establishments primarily engaged in sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock; planning mills combined with sawmills, and separately operated planning mills which are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hogshead stock, wood chips and snow fence lath.
77. *School, Pre-Kindergarten.* A building designed and operated to provide regular instruction and daytime care for two or more children under primary grades.

78. *School, Primary and Secondary.* A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.
79. *Sewage Treatment Plant.* Any arrangement of devices and structures used for treating sewage.
80. *Shooting Range, Outdoor.* A specialized commercial or publicly sponsored facility designed for firearms qualifications, training or practice.
81. *Single Family Detached.* A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit and which has no part of a wall in common with an adjacent building.
82. *Social halls.* A building, structure, lot or land area used as a private club, fraternal or social organization. The social membership club shall serve a purely social, athletic or community service purpose. It shall be operated on a membership basis and not conducted as a business.
83. *Solar Energy Collection System* – Mechanisms used to capture the energy of the sun for use for electricity, hot water, or similar purposes.
84. *Solar, Utility Scale.* An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Commercial solar energy systems consist of one or more freestanding ground- or roof-mounted, solar collector devices, solar-related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.
85. *Stables.* A building or buildings used for the sheltering, feeding, training and riding of equestrian animals and/or the sale of goods and services related to equestrian animals carried out for profit on the same lot as the building.
86. *Studios.* A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painted, sculpture, and writing.
87. *Trade/ Business Schools.* A facility that is primarily intended for education of a work-related skill or craft or a hobby, and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.
88. *Vehicle/ 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.

89. *Wedding Chapels and Banquet Halls.* A facility that operates largely for the holding of special events, occasions, concerts, weddings, celebrations, or other similar activities in which parties of more than 10 people are invited to the site for the purpose of such event.
90. *Wholesale Business*. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

222. Additional Definitions

1. *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.
2. *Accessory Use or Structure.* A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.
3. *Alley.* A public or private thoroughfare affording only secondary access to abutting properties.
4. *Alterations.* As applied to a building or structure, means any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
5. *Applicant.* An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.
6. *Aquifer Protection Overlay.* Wellhead protection areas surrounding community water system (CWS) and public water system (PWS) wells, delineated as Zones 1 and 2 based on the criteria provided in (Article 5.1).

7. *Aquifer.* A water-bearing layer of rock that will yield water in a usable quantity to a well or spring.
8. *Basement.* An enclosed floor area partly or wholly underground, other than a building which is completely underground.
9. *Bedroom.* Refer to ordinance 2025-11-11 “The Short-Term Rental Ordinance of Greenfield Township” or as amended.
10. *Best Management Practices (BMPS)*. Activities, practices, and maintenance procedures to protect surface and groundwater. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. Additionally, agricultural practices are intended to be consistent with the Pennsylvania Nutrient Management Act.
11. *Board of Supervisors or Supervisors.* The Board of Supervisors of Greenfield Township, Lackawanna County, Pennsylvania.
12. *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).
13. *Building Envelope.* An area on a lot 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 are specifically designated on the development plan and established by deed covenants and restrictions.
14. *Building Height.* The vertical distance of a building measured from the lowest exposed portion of the building to the highest point of the uppermost part of the building.
15. *Building, Principal.* A building in which is conducted the main or principal use of the lot on which said building is situated.
16. *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.
17. *Caliper.* Diameter of a tree's trunk measured 6 inches above the ground up to an including 4-inch caliper size, and 12 inches above the ground for larger sizes.
18. *Camp Ground.* Regulated as campgrounds by the Township Subdivision and Land Development Ordinance. See that ordinance for definition.
19. *Clear Cutting.* The removal of 70% or more of trees having a caliper of 8 inches or more from any given acre.

20. *Clear Sight Triangle.* An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.
21. *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.
22. *Community Water System (CWS).* A public water system (PWS) that serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents. A seasonable facility that meets the above criteria is a CWS if it provides water for at least sixty (60) days a year.
23. *Construction Permit.* A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code(s) adopted by the Township.
24. *Construction.* The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
25. *Containment, Primary.* A tank, pit, container, pipe, or vessel of first containment of a regulated substance or hazardous material during a release.
26. *Containment, Secondary.* A second tank, catchment pit, pipe, or vessel that limits and contains regulated substances and hazardous materials leaking or leaching from a primary containment area; monitoring and recovery are required.
27. *Contaminant*. Extraneous matter that by its presence impairs the quality of water.
28. *Density.* The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.
29. *Developer.* Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
30. *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.
31. *Development Plan.* A proposed development, prepared in accordance with this Ordinance and the Township Subdivision Ordinance, including a plat of the

subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.

32. *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.
33. *Disturbance.* Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.
34. *Dwelling unit.* Refer to ordinance 2025-11-11 “The Short-Term Rental Ordinance of Greenfield Township” or as amended.
35. *Easement.* Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.
36. *Emergency Response Plan.* Detailed plans for control, containment, recovery, and cleanup of regulated substance or hazardous material releases, such as during fires or equipment failures. An emergency response plan shall include a list of regulated substances and hazardous materials used or stored on-site.
37. *Estate Lots.* A large, privately-owned lot comprising all or part of an area of open land in an open land development. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while maintaining the lot under private ownership and maintenance, without public access. Only a small part of an estate lot may be developed.
38. *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.
39. *Family*. An individual, or two (2) or more persons related by blood, marriage, or adoption or foster childcare, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:
    a. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or

other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;

b. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long-term basis, a joint economic, social and cultural life;
c. Does not involve the housing of persons on a non-permanent basis;
d. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
e. Family shall not include persons living together in a Assisted Living Facility, Boarding House/ Rooming House, Group Home, Nursing Homes, Personal Care Homes/ Centers, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

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

41. *Fossil Fuel.* A hydrocarbon-containing material in the earth's crust comprised of decayed organic matter that is burned for use as an energy source. Examples of fossil fuels include petroleum, coal, and natural gas.

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

43. *Hazardous Material.* A material classified by the U.S. Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (DEP) as having the potential to damage health, impair safety, or pose a

significant actual or potential hazard to water supplies if such material were discharged into land or water. Hazardous materials are grouped in one or more of the following categories:

a. Ignitable – A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.
b. Carcinogenic – A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic. Examples: PCBs in some waste oils.
c. Explosive – A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.
d. Highly Toxic – A gas, liquid, or solid so dangerous to humans as to afford an unusual hazard to life. Example: chlorine gas.
e. Moderately Toxic – A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to humans.
f. Corrosive – Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

44. *Hub Height.* The distance measured from the surface of the tower foundation to the height of the wind turbine hub to which the blade is attached.
45. *Impermeable.* Describing a surface that prevents the infiltration of water into the ground. The term is interchangeable with the word “impervious.”
46. *Impervious Coverage.* The coverage of land by buildings and other impervious materials such as asphalt, which prevent the percolation of water into the ground.
47. *Impervious Surface.* Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff or 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).
48. *Local contact person.* Refer to ordinance 2025-11-11 “The Short-Term Rental Ordinance of Greenfield Township” or as amended.

49. *Lot Area.* The total number of square feet in the lot less any area included in any public road rights-of-way affecting the lot.
50. *Lot Coverage.* That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces.
51. *Lot Depth.* The average horizontal distance between the front lot line and the rear lot line.
52. *Lot Line.* The property lines bounding the lot.
53. *Lot Line Houses.* A single-family, detached dwelling on an individual lot, with the building set on or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.
54. *Lot.* A designated parcel, tract or area of land, regardless of size; established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.
55. *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.
56. *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.
57. *Nonconforming Lot.* Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Lackawanna County Recorder of Deeds prior to the effective date this Zoning Ordinance, as amended, reenacted and replaced.
58. *Nonconforming Use.* A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Ordinance fully in existence prior to the enactment of this Zoning Ordinance, as amended, reenacted and replaced.
59. *Nutrient/Manure Management Plan.* A plan prepared by a qualified professional establishing application rates for manure and/or fertilizer on agricultural lands to achieve a proper balance of nutrients and minimize nutrient contamination of groundwater.

60. *Open Land or Open Space.* That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Open land may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland, forest land or estate lots which are not accessible to project residents or the public.
61. *Owner.* Refer to ordinance 2025-11-11 "The Short-Term Rental Ordinance of Greenfield Township" or as amended.
62. *Permit.* A document issued by the proper Township authority authorizing the applicant to undertake certain activities.
63. *Potable Water.* Water that is safe and suitable for human consumption and that satisfies the requirements of the federal Safe Drinking Water Act, as amended. Potable water includes water that is used for drinking, bathing and showering, cooking, dishwashing, and/or maintaining oral hygiene.
64. *Public Water System (PWS).* A facility or group of facilities used to provide potable water and which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Water wells classified as a "commercial" use of water in the Pennsylvania Groundwater Information System (PaGWIS) database meet the definition of a PWS.
65. *Purveyor*. See WATER PURVEYOR.
66. *Regulated Land Use and/or Activity.* Any land use and/ or any activity that involves the alteration or development of land in a manner that may affect stormwater runoff, surface water, or groundwater quality/quantity.
67. *Regulated Substance.* A substance, including but not limited to items defined and controlled by the federal and state rules and regulations, that if not properly treated, stored, transported, used, or disposed of, would create a substantial threat to public health through direct or indirect introduction of such substance into groundwater resources and the subsurface environment. Regulated substances include, but not limited to:
    a. Hazardous substances defined in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The CERCLA list consists of individual compounds and large groups of compounds. If a chemical is a member of one of the groups, it is regulated in the same manner as one of the individually listed compounds.
    b. Liquid petroleum products.
    c. Other substances the Pennsylvania Department of Environmental Protection (DEP) has added by regulation to its Regulated Substances List, including:

biodiesel, synthetic fuels and oils, tung oils, wood-derivative oils, inedible seed oils from plants, and pure ethanol intended for blending with motor fuels.

68. *Release.* Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material or regulated substance.
69. *Rent.* Refer to ordinance 2025-11-11 “The Short-Term Rental Ordinance of Greenfield Township” or as amended.
70. *Right-of-Way.* Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.
71. *Screened.* Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.
72. *Setback Line.* A line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said codes.
73. *Short-term rental.* Refer to ordinance 2025-11-11 “The Short-Term Rental Ordinance of Greenfield Township” or as amended.
74. *Source Water.* A source of water (such as rivers, streams, lakes, reservoirs, springs, and groundwater) that provide water to public drinking water supplies and private wells.
75. *Spring.* A place where a concentrated discharge of groundwater flows at the ground surface, including perched water flow from soil and rock.
76. *Storage Tank, Aboveground (AST).* A device consisting of a tank or combination of tanks with a total capacity in excess of two hundred fifty (250) gallons, including underground pipes and dispensing systems connected thereto, which is or was used to contain an accumulation of regulated substances and the volume of which is greater than ninety (90) percent above the surface of the ground. An AST system consists of an AST, its containment structures, and all connected piping and ancillary equipment.
77. *Storage Tank, Underground (UST).* A device consisting of a tank or combination of tanks, and the underground piping connected to it, which is or was used to contain an accumulation of regulated substances and which is situated below the surface of the surrounding soil (ground or pavement) but not in an area completely open for tank inspection (such as some mines or basements). A UST

system consists of a UST, its containment structures, and all connected piping and ancillary equipment.

78. *Storage Tank.* An aboveground or underground storage tank which is used for the storage of a regulated substance.
79. *Story.* That portion of a building, included between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.
    a. Half - A partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residential purposes, other than for a janitor or caretaker or his family.
    b. First - The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.
80. *Street.* A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley, "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.
81. *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.
82. *Tract.* Land held in single ownership which consists of lands to be subdivided or suitable for a land development. The tract shall consist of not less than the minimum area required for subdivision or development as set forth herein.
83. *Turbine Height.* The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
84. *Use.* The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or: maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

85. *Variance.* Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board may authorize departure to a minor degree from the terms of this Ordinance in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in the Ordinance.
86. *Water Purveyor*. Any person or corporation who owns and/or operates a public water system (PWS) or community water system (CWS).
87. *Water System.* A group of facilities used to provide water for human consumption, including facilities used for collection, treatment, storage, and distribution.
88. *Water Table.* The fluctuating upper water level surface of an aquifer where the hydrostatic pressure is equal to the ambient atmospheric pressure.
89. *Well.* A human-made discharge point, consisting of a hole or structure, for the withdrawal of groundwater from an aquifer.
90. *Wellfield.* Two (2) or more wells under the control of the same water purveyor that draw water from an aquifer to supply a public water system (PWS) or community water system (CWS).
91. *Wellhead Protection Area.* The surface and subsurface area surrounding a water well or wellfield supplying a community water system (CWS) or public water system (PWS) with potable water and through which contaminants are reasonably likely to move toward and reach such water well or wellfield.
92. *Wellhead.* The aboveground structure and associated equipment located at the opening of a well that keeps contaminants from entering the well.
93. *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.
94. *Wind Turbine Generator.* A wind energy conversion system that converts wind energy electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
95. *Yard.* An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines.
96. *Zoning Permit.* A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and

regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

3. District Designations and Map

3.1 Designation and Intent of Districts

311. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, Greenfield Township is hereby divided into districts which shall be designated on the Zoning Map and as follows:

TD-1 Rural Agricultural

The Zone is dedicated to preserving and promoting agricultural and forestry land while minimizing conflicts with other uses. It encourages lower-density development with larger lots, allowing regulated residential use to maintain the rural character. Open space conservation is a key priority, with select recreational activities permitted to complement the natural landscape. The zone is designed to maximize the long-term sustainability of agricultural and forestry lands.

TD-2 Suburban Residential

The Zone provides a livable environment primarily for families through single-family housing, with allowances for select public and semi-public uses. Open space and recreational areas enhance community well-being, while agricultural and forestry activities are permitted as long as they do not disrupt the residential setting. The zone maintains medium-density development with larger lots and lower lot coverage to balance growth with public health, safety, and quality of life.

TD-5 Suburban Mixed Use

The Zone integrates small-scale commercial activities with residential development, creating a balanced space for families and businesses. Recreational and gathering spaces foster community interaction, while commercial uses take precedence, with residential serving as a complementary component. The zone maintains moderate density, larger lot sizes, and a focus on traffic safety, ensuring a well-planned, functional community.

TD-10 Manufacturing-Distribution

The Zone is designed for large-scale manufacturing, industrial, and distribution activities on expansive lots. It accommodates all forms of manufacturing while allowing for high-impact commercial uses, energy facilities, and forestry-related industries. This zone fosters economic growth by supporting large-scale production and efficient distribution networks along major transportation corridors, providing space for industrial operations that are not suitable for residential or commercial neighborhoods.

The intent of each District and the uses permitted in each District are set forth on the District Use Schedules contained in Articles 3 and 4 of this Ordinance or in the specific sections establishing any overlay district. Bulk and density standards for each District are

set forth on the Schedule of Development Standards contained in Articles 3 and 4 of this Ordinance.

3.2 Zoning Map

321. The boundaries of the districts in which Greenfield Township is divided shall be shown upon a map entitled the "Greenfield Township Zoning Map," which is available on file for public viewing at the Greenfield Township Municipal Building. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.
322. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the Greenfield Township Board of Supervisors.

3.3 District Regulations

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

331. Use Regulations.
    - 331.1 Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
    - 331.2 Conditional uses and special exception uses shall be subject to the additional review procedures and criteria as specified in this Ordinance.
    - 331.3 No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provisions of this Ordinance. In cases where this Ordinance provides different requirements for the same use, the most restrictive requirement shall apply.
332. Uses Not Specified in Schedule of Uses.
    - 332.1 Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Board of Supervisors which shall have the authority to permit

the use or deny the use as a Conditional Use and follow the processes as per Article 732.

Further, if not permitted under this Ordinance, the use should be studied for possible allowance within another NorLACK municipality.

332.2 Findings - The use may be permitted only if the Board of Supervisors makes all of the following findings; and, the burden of proof shall be upon the applicant:

332.201 The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.

332.202 The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.

332.203 The use is not permitted in any other zoning district.

332.3 Planning Commission Review-At the time the application is submitted to the Board of Supervisors, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation, The Board of Supervisors shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.

332.4 Conditions - The Board of Supervisors may attach reasonable conditions and safeguards to any special exception approval granted, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Board of Supervisors 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.

333. Development Standards

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

4. Zoning District Regulations

4.1 Application of district regulations.

411. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
412. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
413. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
414. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
415. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
416. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.

4.2 District boundaries.

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

421. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
422. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
423. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

424. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
425. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
426. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
427. Boundaries indicated as approximately parallel to or extensions of features identified in Articles 421 through 426 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
428. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by Articles 421 through 427 above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
429. Where one (1) or more district boundary lines divide a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

4.3 Table of Principal Uses by Base Zoning Districts and Overlays.

For any land use not otherwise identified as permitted by right, by condition, or by special exception in the table of the Greenfield Township Zoning Ordinance, an Applicant shall reference and submit said use to another participating NorLACK Multi-Municipal Plan municipality where said land use is identified as permissible in the Zoning Ordinance, as in effect, of the applicable municipality.

Use Designation:

P - Permitted Use by Right

SE - Special Exception Use

C - Conditional Use

Sr. No.	Uses	TD-1	TD-2	TD-5	TD-10	RUO	MHPO
1	Agritourism	C	C	C	P		
2	Airport	C					
3	All other residential uses not otherwise listed					C	
4	Animal Hospital / Vet Clinics			P	C		
5	Assisted Living Facility		P				
6	Automobile Repair			P			
7	Bakery Retail			P			
8	Bed and Breakfast Establishment	P	P	P			
9	Boarding House / Rooming House			P			
10	Camps/ Retreats	P					
11	Car Wash			P			
12	Catering Establishment			P			
13	Cemeteries and Mausoleums		C				
14	Charging Stations			P	P		
15	Child Day Care Facilities	P	P	P			
16	Clubs and Lodges			P			
17	Commercial Communication Tower				C		
18	Community Intervention Center, Type 1			P			
19	Compost Facility					C	
20	Concentrated Animal Feeding Operations	C					
21	Concentrated Animal Operations	C					
22	Contractors' Yards				C		
23	Convenience Store			P			
24	Crematory				C		
25	DAS (Distributed Antenna System)				C		
26	Drive in Uses			P			
27	Dwelling 2 family, Detached		P				
28	Dwelling 2 family, Duplex semi-attached		P				
29	Dwellings, Multi Family			P			
30	Dwellings, Single Family Detached	P	P				
31	Dwellings, Townhouse			P			

Sr. No.	Uses	TD-1	TD-2	TD-5	TD-10	RUO	MHPO
32	Farm Equipment Sales			P			
33	Farmers Market	C		P			
34	Forestry	P	P	P	P		
35	Funeral Homes and Undertakers			P			
36	Golf Course/ Country Club		C	C			
37	Golf Driving Range			P			
38	Group Home	P	P	P			
39	Heavy construction equipment storage yards				P		
40	Heliport	C					
41	Home Based Businesses	P	P				
42	Home Occupation	P	P				
43	Kennels	C					
44	Landfill					C	
45	Libraries			P			
46	Lumber Mill				C		
47	Medical Marijuana Dispensary Facility					C	
48	Medical Marijuana Grower/ Processor					C	
49	Meeting, Assembly and Banquet Hall			P			
50	Micro-Breweries			C			
51	Mineral Extraction	P			P	C	
52	Mineral Processing				P		
53	Mixed Use Structure			P			
54	Mobile Home Parks						P
55	No Impact Home Business	P	P				
56	Normal Agricultural Operations	P	P	P			
57	Nurseries and Greenhouses	P		P	P		
58	Nursing Homes	C	P	P			
59	Oil and Gas Well Facilities	C		C	C		
60	Open Space Conservation	P	P				
61	Parks and Playgrounds	SE	SE	SE			
62	Personal care homes or centers	C	P	P			

Sr. No.	Uses	TD-1	TD-2	TD-5	TD-10	RUO	MHPO
63	Personal Services			P			
64	Places of Worship	C	C	P			
65	Professional Services/Offices			P			
66	Public and Semi-Public buildings and uses	SE	SE	SE	P		
67	Public Utility Facilities				P		
68	Recreation Facilities, Private			C			
69	Recreation Facilities, Public	SE	SE	SE			
70	Restaurants, Traditional			P			
71	Retail Stores			P			
72	Sawmills and Planning Mills	C			C		
73	School, Pre-Kindergarten	SE	SE	SE			
74	School, Primary and Secondary	SE	SE	SE			
75	Sewage Treatment Plant				C		
76	Shooting Range, Outdoor				C		
77	Social halls, clubs, lodges and fraternal organizations, including food and beverage sales			P			
78	Solar, Utility Scale				C		
79	Stables	P	C		C		
80	Studios	C		P			
81	Trade/ Business Schools			P			
82	Vehicle/Equipment Sales Operation			C			
83	Wedding Chapels and Banquet Halls			P			
84	Wholesale Business			P	P		

4.4 Table of Dimensional Requirements.

Standard	**Districts**				
	TD-1	**TD-2**	**TD-5**		**TD-10**
Min. Lot Size	2 ac/ 1 ac (Community sewage & water)	2 ac (On-site sewage disposal or on-site water) / 0.5 ac (Community sewage & water)	2 ac (On-site sewage disposal or on-site water) / 0.5 ac (Community sewage & water)		1 ac / 0.5 ac
Min. Lot Width	150 ft.	125 ft.	150 ft. / 110 ft.		150 ft. / 110 ft.
Max. Bldg. Height	35 ft.	35 ft.	35 ft.		35 ft.
Max. stories in a building	2.5	2.5	2.5		2.5
Res. Accessory Bldg. Setbacks (under 10 ft. tall)					
Front	50/ 10 ft.	50/ 10 ft.	50/ 10 ft.		
Rear	10 ft	10 ft	10 ft		
Side	10 ft.	10 ft.	10 ft.		
			Lot Sizes (acres) for TD-5 and TD-10		
			Equal to or greater than		**Less than**
			1.0	**0.5**	**0.5**
Max. Depth: Width Ratio	4:1	4:1	4:1	4:1	4:1
Front Yard Setback (ft.)	50 ft.	50 ft.	50	40	40
Rear Yard Setback (ft.)	50 ft.	50 ft.	40	30	30
Side Yard Setback (each) (ft.)	30 ft.	25 ft.	30	20	10
Max. Lot Coverage	15%	20%	30%	50%	60%

NEIGHBORHOOD SETBACKS (see additional requirements Article 5 as needed)	
Setback From	**Requirement**
External Road rights-of-way	100 ft.
Crop land and Pasture Land	100 ft.
Buildings, barnyards, or corrals housing livestock	200 ft.
Other Residential Neighborhoods	100 ft.
Wetlands, Flood Plain	25 ft.
Water Bodies or Water courses	50 ft.
Active recreation areas such as playgrounds, courts, and playing fields	150 ft.

4.5 Accessory uses.

Land Uses	TD-1	TD-2	TD-5	TD-10
Accessory uses customary to approved uses	P	P	P	P
Assisted Care Dwelling Unit for Relative	P	P	P	
Barns, silos, sheds, and similar agricultural buildings	P	P	P	P
Carports, private	P	P	P	P
Day care, family home	P	P	P	P
Decks	P	P	P	P
Docks	P	P	P	P
Essential services	P	P	P	P
Farm stands	P	P	P	P
Home gardens	P	P	P	P
Home greenhouses	P	P	P	P
Home occupations	P	P	P	P
Garages, private	P	P	P	P
No impact home-based businesses	P	P	P	P
Porches	P	P	P	P
Parking areas accessory to approved uses	P	P	P	P
Pets, keeping of	P	P	P	P
Retail Sales of Agricultural and Forestry Products	P			
Satellite dish antennas or satellite antennas/ Commercial Communication Antenna	P	P	P	P
Sheds	P	P	P	P
Signs accessory to approved uses	P	P	P	P
Solar collectors, accessory	P	P	P	P
Swimming pools, private (refer to requirements as listed in Article 761.5)	P	P	P	P
Wind turbine generators, accessory	P	P	P	P
Yard, lawn, garage, tag or estate sales	P	P	P	P

5. Overlay Regulations

5.1 Aquifer Protection Overlay

511. Purpose and Intent

The purpose of this article is to protect the health, safety, and welfare of residents and the ecosystems of Greenfield Township, provide protections for sources of public drinking water supplies, and safeguard the future supply of safe and sustainable potable water. The designation of an Aquifer Protection Overlay, as provided herein, and the regulation of activities within the Aquifer Protection Overlay are intended to reduce the potential for groundwater and surface water contamination and minimize adverse environmental impacts. The Aquifer Protection Overlay further intends to:

511.1 Protect groundwater-based public and private water supply sources within Greenfield Township from contamination.

511.2 Minimize the risk from spills, leaks and other discharges into groundwater within the Aquifer Protection Overlay.

511.3 Manage land use activities that store, handle, and produce hazardous materials and regulated substances, which can contaminate water supply sources through inadequate management.

511.4 Encourage best management practices (BMPs) to limit degradation of groundwater and surface water quality.

511.5 Update ordinance requirements periodically, taking into account any new technologies, practices, or development activities that could lead to unacceptable harm to people or source water.

511.6 Help mitigate impacts on the groundwater and surface water resources within Greenfield Township.

512. Statutory Authority

Section 1428 of the federal Safe Drinking Water Act Amendments of 1986 requires states to establish wellhead protection programs to protect groundwater from contaminants. In Pennsylvania, the responsibilities for development and implementation of source water (wellhead) protection programs are shared between water suppliers, the Commonwealth, and local municipal governments. The Pennsylvania Department of Environmental Protection (DEP) recognizes that, in Pennsylvania, DEP is responsible for regulating water suppliers and discharges of contaminants. DEP also recognizes that it is the responsibility of local governments to regulate land use. Greenfield Township is empowered to regulate land use activities through the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which provides authorization to Greenfield Township to enact ordinances regulating development and land uses to ensure the public health,

safety, and welfare; provisions for safe, reliable, and adequate water supply; considering current and future water resources availability, uses, and limitations (including provisions adequate to protect water supply sources).

513. Administration

The Township Zoning Officer is hereby designated as the Township official responsible for the administration and enforcement of the Aquifer Protection Overlay provisions. The Township Zoning Hearing Board shall hear variances and/or appeals from the written determinations and orders of the Zoning Officer regarding applications, enforcement notices, cease and desist orders, and other matters, and shall also hear substantive and procedural challenges to the validity of the Aquifer Protection Overlay provisions.

514. Applicability

These provisions apply to land uses located or proposed within the area of Greenfield Township delineated as the Aquifer Protection Overlay, and to those land uses on parcels located within the Aquifer Protection Overlay.

514.1 To the extent otherwise permitted or regulated by federal, state, and/or county statutes and regulations, the owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of residential dwellings are permitted to utilize and store fuels, hazardous materials, pesticides, fertilizers, inflammable liquids and gases, and regulated substances in such quantities and in such manner as is associated with normal and responsible household use, and such limited authorization shall not be deemed a Regulated Land Use and Activity for the purposes of this article.

514.2 For commercial and retail establishments that sell pre-packaged fuels, hazardous materials, pesticides, fertilizers, inflammable liquids and gases, and regulated substances packaged for home uses, these packaged materials shall be exempt from the requirements of this article.

514.3 Both existing and proposed agricultural operations and/or agricultural service businesses, other than concentrated animal feeding operations, shall be exempt from this article, provided that individual farmers coordinate and implement best management practices through conservation, agricultural erosion and sedimentation prevention, nutrient/manure management plans, and any other applicable county, state, or federal regulations.

514.4 On-site sewage disposal systems, both existing and proposed, must participate and fulfill requirements outlined in the municipal Act 537 sewage facilities plan, and comply with all Township regulations for sewers and sewage disposal.

514.5 Silvicultural and timber harvesting operations and activities shall comply with the Commonwealth of Pennsylvania’s Chapter 102 regulations for Erosion and Sediment Control and Chapter 105 General Permit program as administered by the Lackawanna County Conservation District.

515. Delineation of the Aquifer Protection Overlay

The Aquifer Protection Overlay shall be set forth on the Aquifer Protection Overlay Map based on data from the Pennsylvania Groundwater Information System (PaGWIS) database as administered by the Pennsylvania Department of Conservation and Natural Resources (DCNR) and incorporated herein by reference thereto.

The Aquifer Protection Overlay is comprised of two wellhead protection areas, Zone 1 and Zone 2, which are delineated as follows:

515.1 Zone 1: A protective area extending four hundred (400) feet in a fixed radius around a water well listed on the PaGWIS inventory that meets the definition of a community water system (CWS) or a public water system (PWS), including any facilities within such a system thereof.

515.2 Zone 2: A protective area extending one-half (1/2) mile in a fixed radius around a water well listed on the PaGWIS inventory that meets the definition of a community water system (CWS) or a public water system (PWS), including any facilities within such a system thereof, encompassing that area not already included in Zone 1. The [Elected Body] may modify the boundary of Zone 2 if a detailed hydrogeologic delineation study conducted by a Pennsylvania licensed geologist shows a different geographical extent.

Upon decommissioning of a well by the water purveyor, the prescribed radii shall no longer be in effect upon notice of the water purveyor to Greenfield Township.

516. Establishment of Water Systems

Consistent with the Safe Drinking Water Act, for all construction permit applications accepted by the DEP after October 9, 1995, a water purveyor who is developing a community water system (CWS) well, spring, or infiltration gallery that is installed for a new system or as an expansion of an existing system shall:

516.1 Own or substantially control through a deed restriction, or other methods acceptable to DEP, the Zone 1 wellhead protection area in order to prohibit activities within Zone 1 that may have a potential adverse impact on source water quality or quantity.

516.2 Discontinue the storage, use, or disposal of a potential contaminant within the Zone 1 wellhead protection area unless the chemical or material is used in the production or treatment, or both, of drinking water.

516.3 Eliminate the storage of liquid fossil fuels within the Zone 1 wellhead protection area except for providing auxiliary power to the public water system to ensure the un-interruption of essential services during power failures or as a primary heating source only when the use of natural gas or propane gas is not a viable option.

516.4 Construct any new and replacement liquid fossil fuel storage tanks that are within the Zone 1 wellhead protection area aboveground within the pump house or an enclosed, locked structure using an impermeable secondary containment structure of greater capacity than the fuel storage tank.

517. Plan Requirements

Each application for a subdivision, land development, or zoning permit required for a Regulated Land Use and Activity listed in Article 519 and that contains land within the Aquifer Protection Overlay shall be submitted in accordance with such other applicable provisions of Township ordinances. Any area of the Aquifer Protection Overlay that falls within the subject lot or lots shall be shown on the site plan through identification of the impacted well or wellfield and shading, hatching, or other visual notation of such area or areas.

Any applicant seeking subdivision, land development, or zoning permit approval for a Regulated Land Use and Activity listed in Subsection 8 and that falls within the Aquifer Protection Overlay shall have the burden to present evidence of the boundaries of the overlay in the area in question. This evidence must include applicable geographic data with respect to the property and any other pertinent documentation for consideration. The Township [Zoning Officer] shall evaluate the information provided by the applicant and make a determination regarding the boundaries of lands within a particular Aquifer Protection Overlay area. This information shall include:

517.1 Proposed name or identifying title of project.

517.2 Name and address of the landowner and developer of the project site.

517.3 Plan date and date of revisions to the plan, north arrow, graphic scale, and written scale. All plans shall be drawn on sheet sizes consistent with Township's dimensional requirements as listed in the Subdivision and Land Development Ordinance and shown at a scale of one hundred (100) feet to the inch.

517.4 Total acreage and boundary lines of the project site and the tract of land on which the project site is located.

517.5 A location map, for the purpose of locating the project site to be developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all highways, streets, municipal boundaries, and other identifiable landmarks existing within one thousand (1,000) feet of any part of the tract of land on which the project site is proposed to be developed. The map shall also include an outline of the Aquifer Protection Overlay.

518. Plan Review by the Water Purveyor

Prior to the commencement within the Aquifer Protection Overlay of any subdivision, land development, or new Regulated Land Use and Activity listed in Subsection 8, the Township Zoning Officer shall furnish a copy of proposed plans and permit application information to the purveyor of the public water system (PWS) under the following requirements:

518.1 The applicant shall submit to the water purveyor all required information listed in Subsection 8 for his or her Regulated Land Use and Activity.

518.2 The Township shall offer the water purveyor an opportunity to review and comment on proposed land development plans of Regulated Land Uses and Activities. Upon land development application submission, the Township Zoning Officer shall forward copies of the plans and request review and comment from the water purveyor within forty-five (45) days of receipt. Large development proposals may necessitate an extension of review time, which may prompt a purveyor's request to extend the forty-five (45) day review time. All costs associated with the water purveyor's review shall be borne by the land development applicant. The water purveyor may waive further review of the proposed development plan, depending upon the physical location of the proposed project, and must notify the Township Zoning Officer, in writing, that the purveyor opts to waive land development plan review.

519. Regulated Land Uses and Activities

The following table sets forth various Regulated Land Uses and Activities to the extent of regulation permitted in each of the zones in the Aquifer Protection Overlay.

In the event of judicial decision affecting any of the Regulated Land Uses and Activities or regulations set forth herein, it is the intent of this article that any provision found to be illegal shall be stricken, and the remaining provisions shall remain in full force and effect. Full authority for the administration/application of all criteria, terms, and conditions of this sub-article shall be with the Township Zoning Officer.

Table of Regulated Land Uses and Activities

"NP" = not permitted

	Regulated Land Use and/or Activity	**Zone 1**	**Zone 2**
1	Shooting Range	NP	Provide proof of a mitigation plan for the abatement of lead contamination within range lanes and trap access.
2	Cemetery (including expansion of an existing cemetery)	NP	All caskets shall be encased in concrete grave liners as defined by the Federal Trade Commission in regulations at Part 453, as amended.
3	Compost Facility	NP	Storage facilities shall be designed to have an impervious storage and loading surface, prevent infiltration of rain and surface water into storage

	Regulated Land Use and/or Activity	Zone 1	Zone 2
			areas and provide diking to prevent runoff from storage and loading areas.
4	Concentrated Animal Feeding Operation (CAFO)	NP	NP
5	Golf Course or Country Club	NP	A. Provide a detailed description of the storage, handling, and use of regulated substances and hazardous materials, and a description of primary and secondary containment structures. B. Provide a detailed description of disposal procedures for regulated substances and hazardous materials and contact information for any waste haulers used. C. Provide a site map showing where regulated substances and hazardous materials are stored, handled, and used. D. All herbicides and pesticides shall be applied in accordance with label directions and must be applied in accordance with an approved nutrient management plan. E. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching/runoff.
6	Kennel	NP	A. Provide a detailed description of the storage, handling, and use of regulated substances and hazardous materials, and a description of primary and secondary containment structures. B. Provide a detailed description of disposal procedures for regulated substances and hazardous materials and contact information for any waste haulers used. C. Provide a site map showing where regulated substances and hazardous materials are stored, handled, and used. D. Provide proof of a manure management plan. Manure storage areas shall be designed to contain any accidental releases and provide optimal protection of groundwater resources.
7	Vet Clinic / Animal Hospital		

	Regulated Land Use and/or Activity	Zone 1	Zone 2
8	Landfill	NP	A. Provide a detailed description of the storage, handling, and use of regulated substances and hazardous materials, and a description of primary and secondary containment structures. B. Provide a detailed description of disposal procedures for regulated substances and hazardous materials and contact information for any waste haulers used. C. Provide a site map showing where regulated substances and hazardous materials are stored, handled, and used. D. Landfill facilities shall be designed to have an impervious disposal and loading surface, prevent infiltration of rain and surface water into disposal areas and provide diking to prevent runoff from disposal and loading areas.
9	Mineral Extraction	NP	A. Provide a location map and site plan, drawn to a scale of not less than one (1) inch equals one hundred (100) feet, showing property boundaries, stockpile areas, existing reclaimed and un-reclaimed lands, proposed maximum acreage of all affected lands, bench marked elevations for depth of excavation, erosion and sedimentation control measures, the location of all applicable private drinking water supplies or public drinking water sources, and all existing or proposed solid and liquid waste disposal areas. B. A report shall be completed by a Pennsylvania certified geologist with experience in hydrogeology attesting to the depth of the seasonal water table. C. Mining and quarrying excavation activities shall not occur within four hundred (400) feet of a Zone 1 boundary.
10	Boarding House / Rooming House, Convenience Store, Restaurants traditional,	NP	A. Provide a detailed description of the storage, handling, and use of regulated substances and hazardous materials, and a description of primary and secondary containment structures.

	Regulated Land Use and/or Activity	Zone 1	Zone 2
	Crematory, Manufacture, Processing, or Bulk Storage of Natural Gas, Petroleum, Gasoline, and Other Fossil Fuels or Hazardous Materials Medical Marijuana Growing and Processing Facility		B. Provide a detailed description of disposal procedures for regulated substances and hazardous materials and contact information for any waste haulers used. C. Provide a site map showing where regulated substances and hazardous materials are stored, handled, and used.
11	Automobile Repair, Car Wash, Personal Services, Retail Establishment, Public Utility facility	NP	A. Provide a detailed description of the storage, handling, and use of regulated substances and hazardous materials, and a description of primary and secondary containment structures. B. Provide a detailed description of disposal procedures for regulated substances and hazardous materials and contact information for any waste haulers used. C. Provide a site map showing where regulated substances and hazardous materials are stored, handled, and used.

520. Emergency Response Plans

520.1 An acceptable emergency response plan must be prepared for preventing hazardous materials from contaminating the groundwater and surface water in the event of a vehicle crash, flood, fire, power failure, vandalism, equipment failure, or similar event. Improvements shall be installed as needed to implement the plan.

520.2 As needed, an impervious dike, above the one hundred (100) year flood level and capable of containing one hundred (100) percent of the largest volume of storage, shall be provided with an overflow recovery catchment area.

520.3 For fire control, plans shall include a safe firefighting procedure, with an effective containment of any hazardous runoff, and provisions for dealing safely with any other health and technical hazards that may be encountered by first responders in combating fires, explosions, or leaks.

520.4 For equipment failures, plans shall include but not be limited to a leak detection system with monitoring. An overfill prevention system shall be used for hazardous substance tanks.

520.5 The Township may require the installation of a primary containment facility and/or a secondary containment facility to limit the spread of releases and spills.

520.6 The Township may require the installation of oil/water separators in inlets to contain spills occurring outside of buildings.

520.7 Regulated Land Uses and Activities can pose a risk of causing environmental degradation or endangerment of public safety through releases of toxic, hazardous, or other pollutant materials. Such land uses and activities within the Aquifer Protection Overlay shall follow DEP's Guidelines for the Development and Implementation of Environmental Emergency Response Plans (DEP Document ID 400-2200-001), which encourages consolidation of state and federal pollution incident prevention and emergency response programs into a single plan.

5.2 Floodplain

Refer to the Greenfield Township Floodplain Ordinance on file available in the Greenfield Township Building.

5.3 Rural Resource

531. Intent

The intent of the Rural Resource Overlay District is to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the Township which stimulated the past tremendous second home development, and continues to attract second home residents, and increasingly, permanent residents. Without the careful consideration of the development process established by the standards of the Rural Resource Overlay District, many of these significant land features would be lost to the effects of conventional residential development. As compared to Rural Resource development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the Township, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family detached and single-family attached (duplexes and townhouses) residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The

development is designed to reduce the perceived intensity of development, preserve natural features and farmland, and provide privacy and community identity.

Specific objectives of the Rural Resource Overlay District are as follows:

531.1 To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, flood plain and wetlands by directing development to other areas of the project parcel.

531.2 To preserve scenic views and other physical elements of the Township's rural and recreational character (the basis of the local economy), and to minimize perceived density, by minimizing views of new development from existing roads.

531.3 To permit design flexibility and efficiency in the siting of dwellings, services and infrastructure by reducing site preparation requirements, road lengths, utility extensions, storm water management facilities, and other development considerations.

531.4 To reduce the erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.

531.5 To reduce the volume of storm water runoff by minimizing the amount of impervious surfaces, and to facilitate storm water management by preserving natural drainage ways.

531.6 To encourage the use of sewage disposal methods that do not result in a stream discharge of effluent.

531.7 To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.

531.8 To preserve the limited agricultural land in the Township by designation of the said lands as a primary conservation area to be maintained in large blocks.

531.9 To realize the goals of the Community’s adopted Comprehensive Plan and Open Space Plan.

531.10 To establish a mechanism for the continued preservation and maintenance of open land in the Township to achieve the purposes enumerated in this article and for active or passive recreational use by residents.

532. Application to Subdivisions

532.1 Rural Resource Overlay District - The Rural Resource Overlay District shall apply to all areas of the Township in all zoning districts only in accord with the standards of this article.

532.2 Mandatory for Parcels of More Than Eight (8) Acres - The provisions of this article shall be applied to all parcels of land of more than eight (8) acres in size. See Article 532.3, for exemptions.

532.3 Exemption - This exemption may be applied to parcels of more than eight (8) acres in existence at the time of the effective date of this article. The normal subdivision process as governed by the Township Subdivision and Land Development Ordinance shall apply. The applicant shall submit with the subdivision application, the applicable USGS 7.5 minute series quadrangle showing the entire parcel the 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.

532.301 The number of lots subdivided from the parent parcel (i.e., the parcel as it existed at the time of the effective date of this article) shall not exceed two (2) lots in any five (5) year period.

532.302 Each lot shall comply with the area, depth, width and other applicable requirements of this Ordinance.

532.303 Each lot shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

532.4 Tracts of Eight (8) or Less Acres

532.401 On tracts of eight (8) or less acres, standard single-family detached dwellings are permitted in accord with the standards of the Schedule of Development Standards contained in this Zoning Ordinance. Overall density shall be based on the per unit lot size determined by the proposed use and type of water supply and sewage disposal in accord with the said Schedule of Development Standards, and the design standards in this article need not be applied.

532.402 Common open land shall not be required, but may be provided at the option of the developer. In no case shall any such open land be less than one-half (0.5) acre in size. All open lands shall be contiguous and shall be of such composition and configuration, as determined by the Township, to assure that the open land is useable for recreation. The Township may also require the reservation of trail easements through the development for connection with existing adjoining or planned trail networks.

533. Conditional Use, Dwelling Types, Density, and Open Land

Subdivisions in the Rural Resource Overlay District developed in accord with this article shall be considered conditional uses and dwelling types shall be limited to the following:

533.1 Dwelling Types, Density and Open Land - The following dwelling types are permitted in accord with the standards of this article as part of an open land development:

533.101 Standard single-family detached dwellings.

533.102 Lot-line houses (see definition).

533.103 Two-family dwellings.

533.104 Townhouses.

Overall density shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with the Schedule of Development Standards contained in this Zoning Ordinance. See Article 537.3, for the density bonus of ten (10) percent for use of soil-based sewage disposal. (See Article 534.2 and Article 537 for density determination.) Not less than fifty (50) percent of the tract shall remain as open land as defined and maintained in accord with this article. (See respective articles for the proportion of open land which may be comprised of wetlands, flood plain and steep slopes.)

533.2 Open Land Uses - Open land which comprises a part of a residential development approved in accord with the requirements of this article shall be used only in accord with the requirements of this article and Article 6 of this Zoning Ordinance.

533.3 Non-Residential Uses - The following non-residential uses shall be permitted on parcels of ten (10) acres or more which are part of the open land development:

533.301 Agricultural activities of the following types:

a. Cultivation, harvesting, and sale of crops and related farm products;
b. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
c. Orchards, nurseries, greenhouses, and related horticultural activities.
d. Other similar agricultural uses.

533.302 Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.

533.303 Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.

533.304 Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or bridal trails, picnic areas, playing fields, and similar uses.

533.4 Accessory Uses-Accessory uses on the same lot as the principal use shall be permitted as set forth on the Schedule of Use Regulations for the TD-2 District.

534. Project Design Process

The design process included in this article is based on the approach detailed in the September 1994, Natural Lands Trust publication, Designing Open Space Subdivisions, A Practical Step-by-Step Approach. Open land development plans will be reviewed by the Township using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

534.1 Inventory and Analysis - A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this article. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this Article 536.3. The final determination and designation of Secondary Conservation Areas shall be made by the Township as part of the project review and conditional use process.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Township relative to the intent of the Rural Resource Overlay District.

534.101 Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]

a. Topographic contours at intervals of ten (10) feet, showing rock outcrops and slopes of twenty- five (25) percent or more.

b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high-water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Lackawanna County Soil Survey published by the U.S. Department of Agriculture.

c. Hydrologic characteristics of the tract, including streams, lakes and ponds, flood plain and hydric soils.

d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.

534.102 Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.

534.103 Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

534.104 Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.

534.105 Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.

534.106 Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:

a. Primary Conservation Areas shall include:
   i. Wetlands
   ii. Land within the 100 year flood plain
   iii. Land with a slope of twenty-five (25) percent or more.
   iv. Land within fifty (50) feet of any pond, lake or stream

b. Secondary Conservation Areas shall include:
   i. Aquifer recharge areas
   ii. Areas with highly permeable soil
   iii. Land within twenty-five (25) feet of wetlands

iv. Natural drainage ways
v. Major rock outcroppings and other unusual geologic features
vi. Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
vii. Historic resources
viii. Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract

534.2 Useable Land Area - Determination of Base Dwelling Unit Density - The developer shall have the option of determining the base dwelling unit density permitted for the tract by using the formulas set forth in this Ordinance; or, by preparing a "yield plan" in accord with this article. The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density.

534.201 Formula Method - The base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density as set forth in the Schedule of Development Standards in Article 4.4 of this Ordinance in accord with the zoning district location and type of water and sewage disposal.

a. Land within public rights-of-way.
b. Land within the rights-of-way of existing or proposed private streets {where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide).
c. Seventy (70) percent of wetland areas.
d. Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
e. Land with a slope of twenty-five (25) percent or more.
f. Any pond or lake more than two (2) acres in size.
g. Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.

534.202 Yield Plan Method - A yield plan consists of conventional lot and street layouts conforming to Township standards for residential developments not using open land design. The said standards shall include lot sizes and dimensions, street design, storm water control,

sewage disposal, and other applicable standards of this ordinance and the Township Subdivision Ordinance. Although a yield plan is intended to be conceptual and is not intended to involve significant engineering costs, the plan must be sufficiently detailed to show legitimate, potential lots and house sites at locations not limited by Primary Conservation Areas. The final determination of the base dwelling unit density for the tract shall be made by the Township.

534.3 Conceptual Sketch Plan - Conditional Use Application - Following the determination of the number of residential units permitted, the developer shall submit to the Township a conceptual sketch plan. The application shall be considered the conditional use application for the project.

The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Township by the developer, and incorporating the design standards contained in this article:

534.301 Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas

534.302 Locating house site and neighborhoods

534.303 Laying out streets and footpaths/trails with connections

534.304 Establishing lot lines

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision plan.

534.4 Conceptual Sketch Plan/Conditional Use Review Process - Upon receipt of a complete application, the Planning Commission shall notify the Township Board of Supervisors of the same. The Planning Commission shall schedule a joint meeting with the developer and the Board of Supervisors to review the sketch plan. Subsequent to, or as part of the said meeting, the Planning Commission and Board of Supervisors shall conduct an inspection of the tract. A joint public hearing shall be conducted by the Planning Commission and Board of Supervisors, in accord with the notice requirements of the PA Municipalities Planning Code. Upon completion of its review, the Planning Commission shall make its recommendation for action on the proposal to the Board of Supervisors, who shall approve, approve with conditions, or reject the conceptual sketch plan, which shall constitute action on the conditional use application.

(Note: The construction of individual dwelling units and other buildings in any project approved in accord with this article shall require a zoning permit prior to construction; however, a conditional use permit shall not be required.)

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan and the applicant shall not be authorized to make application for subdivision/land development approval until conceptual sketch plan/conditional use approval has been granted. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Township.

534.5 Subdivision/Land Development Plan - Following Township approval of the conceptual sketch plan (conditional use), the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with the requirements of the Township Subdivision and Land Development Ordinance. In addition to the information required by the Subdivision and Land Development Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Township review and action on the subdivision/land development plan shall not begin until such time as a complete application is submitted in accord with the Township Subdivision and Land Development Ordinance.

535. Open Land Standards

535.1 Percentage of Open Land - Not less than fifty (50) percent of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the following areas from the total parcel size.

535.101 Land within public rights-of-way.

535.102 Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).

535.103 Seventy (70) percent of wetland areas.

535.104 Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

535.105 Land with a slope of twenty-five (25) percent or more.

535.106 Any pond or lake more than two (2) acres in size.

535.107 Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.

535.108 All impervious surfaces including but not limited to buildings, roads, sidewalks, etc.

535.2 Composition of Open Land Area -The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year flood plain, or land with a slope of twenty-five (25) percent or more. Not less than fifty (50) percent of the open land shall be accessible to the residents of the Open Land Development, and such access shall be preserved in perpetuity in accord with Article 6 of this Ordinance.

535.3 Uses Permitted on Open Lands - The following uses shall be permitted in open land areas:

535.301 Conservation of open land in its natural, unaltered state.

535.302 Agricultural uses, including raising of crops or livestock, and farm buildings.

535.303 Neighborhood open land as specified in Article 536.3.

535.304 Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.

535.305 Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts, meeting the setback requirements of Article 537.4 of this Ordinance. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.

535.306 Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.

535.307 Pasture for recreational horses not associated with a commercial operation. Not more than one (1) horse per two (2) acres shall be permitted.

535.308 Easement for drainage, access, sewer or water lines, utilities or other essential services.

535.309 Storm water management facilities for the proposed development, or for a larger area If required for compliance with the requirements of the Township's Storm water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.

535.310 Parking-areas often (10) or fewer spaces to serve active recreation facilities.

535.311 Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.

535.312 Estate lots meeting the following standards (see also Articles 537.2):

a. The minimum size specified in Table in Article 4.4 shall be required, of which a maximum of one (1) acre may be developed with a single-family dwelling and customary accessory uses and this requirement shall be recorded as a restrictive covenant on the lot. Only the undeveloped portion of the estate lot shall be used to meet the open land requirements of this article.

b. The one (1) acre of permitted developed area shall include any portion of the lot which is disturbed or which is not used for agricultural purposes; that is, all dwellings, accessory buildings and structures, paved areas, lawns and gardens, etc.

c. The developed area of the lot shall meet the neighborhood setback standards set forth in Article 4.4 of this Ordinance with the exception of agricultural use setbacks.

d. Estate lots shall be restricted by permanent easement against further subdivision.

e. Dwellings on estate lots shall be counted toward the maximum density permitted on an Open land development tract.

f. Dwellings on estate lots shall be sited in accord with the same design principles as neighborhoods set forth in Article 4.4of this Ordinance. Specifically, dwellings shall not encroach on primary and secondary conservation areas.

g. Access to the estate lot may be limited to the owner of the said lot.

535.4 Uses Prohibited on Open Lands - The following uses shall be prohibited in open land areas:

535.401 Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.

535.402 Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.

535.403 Any other use not specifically permitted in article above.

535.5 Open Land Development Design Standards - The Township, in considering a proposed open land development and determining compliance with the intent and standards of this article, shall evaluate the layout of lots and open land in accord with the design standards contained in this article. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Open Land Development and those site features which are most significant shall be made by the Board of Supervisors.

535.501 The Open Land Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Township.

535.502 Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.

535.503 Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Open Land Development plan, and show how the same will be mitigated.

535.504 Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Open Land Development.

535.505 In cases where smaller open land parcels are necessary, no such parcel shall be less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.

535.506 The potential for interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.

535.507 Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the Open Land Development.

535.508 Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices.

535.509 In order to protect the rural character of the Township, the design of the Open Land Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.

535.510 The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.

535.511 Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

536. Neighborhood-Design Standards

The purpose of the neighborhood design standards is to create compact groupings of homes located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall rural character of the community. The standards in this article shall apply to all residential developments in neighborhoods in the Rural Resource Development Overlay District. Separate standards are provided in this Ordinance which shall apply to residential development of tracts of eight (8) acres or less and estate lots.

536.1 General Design Standards- The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

536.101 Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Township as significant conservation areas.

536.102 Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.

536.103 Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.

536.104 The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.

536.105 Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel

536.106 The preservation of any identified historic resources shall be incorporated into the design of neighborhoods In the Open Land Development.

536.2 Specific Standards- The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

536.201 All dwelling units shall be grouped in neighborhoods which should contain at least five (5), but no more than twenty-five (25) units. The number of units in a neighborhood can be increased or decreased provided the developer can demonstrate to the satisfaction of the Township that the proposal is more appropriate to the project parcel and meets the intent and other design standards of this article.

536.202 An Open Land Development plan may contain one (1) or more neighborhoods.

536.203 Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots, roads and neighborhood open land.

536.204 Neighborhoods are further defined, surrounded and separated by designated open land areas in order to provide direct access to open land and privacy to individual yards, Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway in accord with Article 536.3 which follows and meets the setback requirements in articles of this Ordinance.

536.205 All lots in a neighborhood shall generally have access from only an interior development road and not from any road exterior to the project parcel.

536.206 Not less than three-fourths (0.75) of the lots in a neighborhood should abut neighborhood open land or other open land (directly or

across a road) to either the front or rear for a distance of not less than thirty (30) feet.

536.207 The outer boundaries of each neighborhood shall meet the setback requirements in articles of this Ordinance.

536.208 All lots in a neighborhood shall be restricted by permanent easement against further subdivision.

536.3 Neighborhood Open Land Standards-A neighborhood with ten (10) or more residential units shall provide neighborhood open land at a minimum rate of one-thousand (1,000) square feet per unit in accord with the following standards. The neighborhood open land shall:

536.301 Be central to the neighborhood it serves.

536.302 Have a minimum road frontage of one-hundred (100) feet, and a minimum average width of thirty- five (35) feet.

536.303 Shall be configured as a commons or parkway.

a. A commons shall be located in a central position in the neighborhood and shall be surrounded by streets and/or building units on at least three (3) sides; and, shall be designed and landscaped as an area for use by residents of the neighborhood.

b. A parkway is a narrow strip of open land surrounded by roads on all sides, and is generally intended for a smaller neighborhood; and, shall be designed and landscaped as an area for use by residents of the neighborhood.

536.304 May contain storm water detention basin or parking areas, but the said basins and areas shall not be included in the required minimum neighborhood open land size (i.e., the 1,000 sq. ft. per unit).

536.305 Count toward meeting the overall open land requirements of the Open Land Development.

537. Density and Dimensional Standards

The standards contained in this article shall apply to the specified uses in the Rural Resource Overlay District.

537.1 Dwellings - The standards in Table 601-1 shall apply to all dwelling units in neighborhoods. Maximum density shall be calculated using the base dwelling unit density determined in Article 534.2.

537.2 Estate Lots and Non-Residential Uses - The standards in Table 601-2 shall apply to all single-family dwellings on estate lots. These standards shall also apply to any non-residential uses permitted in accord with this article which involve any building on site.

537.3 Density Bonus for Soil Based Sewage Disposal - In order to minimize sewage effluent discharge to the surface waters of the Township, and to maximize groundwater recharge, the Township encourages the use of soil based sewage disposal options. Any Open Land Development which employs such disposal method (as enumerated in in this article) shall be granted a ten (10) percent density bonus. The density bonus shall be calculated by determining the project density in accord with Table 601-1 and then multiplying the permitted number of dwelling units by 1.10.

TABLE 601-1

DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS

Maximum density (the total number of dwelling units permitted calculated using the base dwelling unit density determined in Article 534.2, multiplied by the maximum density factor)

Minimum lot size

single-family dwelling ……10,000 square feet
lot line house ……6,000 square feet
two-family dwelling ……15,000 square feet
townhouse……1,000 square feet

Minimum lot width at the house location

single-family dwelling ……50 feet
lot line house ……40 feet
two-family dwelling ……80 feet
townhouse ……18 feet

Maximum lot depth to width ratio

single-family, lot line and two-family dwellings ……4:1
townhouses ……5:1

Minimum front and rear yard setbacks

single-family, lot line and two-family dwellings ……20 feet front/ 25 feet rear
townhouses ……10 feet front/ 15 feet rear

Minimum side yard setbacks (each yard)

single-family and two-family dwellings ……15 feet
lot line house ……0/15 feet*
(* A lot line house requires a five-foot (5') wide maintenance easement on the lot adjacent to the "zero" side yard. In the alternative, a side yard five (5) feet wide may be provided.)
townhouse end units ……15 feet

Maximum lot coverage (% of lot area)

single-family, lot line and two-family dwellings ……40%
townhouses ……75%

537.4 Neighborhood Setbacks- The outer boundaries of all neighborhoods shall meet the setbacks in Table 601-3. The outer boundary Is defined by the perimeter of the individual building lots abutting the open land, or of roads adjacent to the front of the said lots. Neighborhood setbacks may be reduced to fifty (50) percent of the requirement in the above by the Township as part of the conditional use process to allow for flexibility of design provided the developer can demonstrate that:

537.401 The configuration of the project parcel makes the strict application of the setbacks impractical

537.402 The reduction does not compromise the design standards of this article the overall intent of this Zoning Ordinance, or the applicable goals of the comprehensive plan.

537.403 In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

TABLE 601-2
DENSITY AND DIMENSIONAL STANDARDS FOR SINGLE FAMILY DETACHED DWELLINGS ON ESTATE LOTS AND NON-RESIDENTIAL USES

Minimum lot size:
on tracts of 10 to <20 acres ……..5 acres
on tracts of 20 acres or more ……10 acres

Maximum developed area	1 acre
Maximum lot depth : width ratio*	4:1
Minimum front yard**	40 feet
Minimum side yard (1side/total of both)**	25/60 feet
Minimum rear yard**	40 feet
Maximum lot coverage	20% of developed area

*Lot width-to-depth ratio may be adjusted by the Township as part of the conditional use process to allow for flexibility of design in cases where the developer can demonstrate that the configuration of the project parcel makes the strict application of the ratio impractical; and provided any adjustment does not compromise the intent of this article.
** setbacks pertain to developed area of lot

TABLE 601-3 NEIGHBORHOOD SETBACKS

Setback From	**Requirement**
External road rights-of-way	100 feet
Crop land and pasture land	100 feet
Buildings, barnyards, or corrals housing livestock	200 feet
Other residential neighborhoods	100 feet
Wetlands, flood plain	25 feet
Water bodies or water courses	50 feet
Active recreation areas such as playgrounds, courts, and playing fields	150 feet

537.5 Building Envelopes - Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for

development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:

537.501 Shall not be located in any Primary or Secondary Conservation Area.

537.502 Shall not include the tops of ridge lines.

537.503 Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.

537.504 Shall avoid open fields.

538. Water Supply and Sewage Disposal

538.1 Water Supply - All lots in neighborhoods may be served by a community (off-site, central) water supply and distribution system with such volume and pressure to provide adequate serve in accord with accepted engineering practice, the Township Subdivision and Land Development Ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, dwellings on lots less than one-half (0.5) acre shall be served by a community water system.

538.2 Sewage Disposal -All lots shall be provided with adequate sewage disposal facilities consistent with the Township Official Sewage Facilities Plan and meeting the requirements of the Township Subdivision and Land Development Ordinance and the PA DEP. All dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located on open lands.

Preferred sewage disposal alternatives, which are granted a density bonus in accord with articles of this Ordinance include:

538.201 Community (off-site, central) system employing subsurface disposal or spray irrigation on open lands.

538.202 Individual (on-site) system employing subsurface disposal or spray irrigation on open lands.

In the case where soil based methods are not practical, a community (off-site, central) system with a surface water discharge may be employed, but no density bonus shall be granted.

539. Phasing

Development in the Rural Resource Overlay District may be phased by sections, and estate lots may be subdivided prior to neighborhood development in accord with a unified development plan for the entire tract and the following requirements:

539.101 A complete inventory and analysis has been completed for the project parcel in accord with Article 534.2 of this Ordinance.

539.102 If the proposal is in conformance with the stands in this article, the unified development plan shall be approved as a sketch plan in accord with Article 534.3 of this Ordinance. The design of the unified plan shall be made binding on the developer by a written, recorded development agreement with the Township.

539.103 When estate lots are subdivided prior to neighborhood development, the following requirements shall apply:

a. The unified plan must provide for sufficient land area in a suitable configuration to allow for neighborhood development in accord with this article.
b. The maximum density of the tract must include the dwelling units allocated to estate lots.
c. The estate lots, when created, shall be restricted from further subdivision by permanent easement.
d. Any future neighborhood development shall be in accord with the approved unified sketch plan and development agreement.

540. Open Land, Recreation Land, and Common Facilities - Ownership and Maintenance
All areas of an Open Land Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Open Land Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by Article 652.104 and Article 6145 of this Ordinance.

5.4 Regional Use Overlay

541. Permitted, Conditional, Special Exception and Accessory Uses
Within any Regional Use Overlay 1 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

542. Height
No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.

543. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the Township's Subdivision and Land Development Ordinance as amended (SALDO).

543.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

543.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.

543.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the Township SALDO and/ or Township Stormwater Ordinance as amended.

543.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.

543.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the Township SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.

543.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the Township SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the Township SALDO.

543.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the Township SALDO.

544. Accessory Uses

544.1 Customary accessory structure and use

544.2 Sign, pursuant to Article 8

545. Lot Area, Width, Building Coverage and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

546. Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50’	30’	50’	50’

5.5 Mobile Home Park Overlay

551. Purpose. To provide areas for mobile home parks, and limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.
552. Permitted, Conditional, Special Exception and Accessory Uses
Within any Mobile Home Park Overlay listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.
553. Height
No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.
554. Site Plan Approval for Permitted Uses
Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the Township’s Subdivision and Land Development Ordinance as amended (SALDO).
    554.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:
    554.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.
    554.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the Township SALDO and/ or Township Stormwater Ordinance as amended.
    554.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample

light, air and useable open space in the interest of public health, safety and general welfare.

554.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the Township SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.

554.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the Township SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the Township SALDO.

554.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the Township SALDO.

555. Accessory Uses

555.1 Customary accessory structure and use

555.2 Sign, pursuant to Article 8

556. Lot Area, Width, Building Coverage and Height Regulations

	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	125 ft.	20%	35 ft.

557. Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50’	25’	25’	50’

6. Supplemental Regulations

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article 7. Standards contained in a specific article regulating a specific use shall not exempt said use from other applicable regulations contained in this Ordinance.

6.1 Zone Lot Regulation.

611. Access Drive. Access drives serving a permitted use shall be permitted in all yards except as may be otherwise regulated by this ordinance.
612. Extension of Setbacks. A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback line a distance not to exceed fifty (50) percent of the length of the structure as it existed at the effective date of this Ordinance.
613. Reduction of Required Area or Space. The area or dimension of any existing lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance.
614. Unique Lots, Yards and Building Locations.
    614.1 Two or More Uses on a Lot
        614.101 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.
        614.102 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).
        614.103 Non-Residential Uses -In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be

increased to provide for the minimum land area for each use on the parcel.

614.104 Residential and Non-Residential on the Same lot.

a. TD-1 and TD-2 Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.

b. TD-5 and TD-10 Districts - One residential unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal non-residential structure. The residential unit shall be occupied only by the owner or employee of the non-residential use(s). Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.

614.105 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.

6.2 Height exceptions.

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

6.3 Yard Requirements.

631. Street Frontage / Front Yard. A principal building shall be permitted only upon a lot with frontage on a public or private road right-of-way. Each yard of a lot which abuts a street shall be equal in size to the front yard required for the district. Any other yards may be considered side yards. On nonconforming lots of 0.25 acres or less in size, the setback on the short side of the lot shall be a minimum of twenty (20) feet, and all other setbacks shall be a minimum of ten (10) feet. (This allows a house a maximum of 20 feet wide on the 40-foot width of the lot.)
632. Front Yard Exception. Where a vacant lot exists between two (2) improved lots, each of which has a building within twenty-five (25) feet of the property line separating the parcels, a building may be erected on the vacant lot with a front yard not less than the greater front yard of the two (2) adjoining buildings. However, the front yard setback shall not in any case be reduced to less than fifteen (15) feet.
633. Projections into Required Yards. Projections into required yards shall not be permitted. All parts of structures shall meet the required setbacks. Patios may be located in required yards not less than twenty (20) feet to any public road right-of-way or ten (10) to any property line.
634. Clear View at Intersection. Visual obstructions at street intersection including, but not limited to, structures, opaque fences, vegetation and signs, (excluding an existing building, post, public utility structures, column or deciduous tree) thirty (30) inches in height shall be prohibited on any lot within the triangle formed by the street right-of-way lines and a line drawn between points along the street right-of-way lines thirty (30) feet distant from their points of intersection. More restrictive standards shall be required in cases where intersection alignment, topography or other circumstances dictate same to maintain adequate clear view.

6.4 Accessory Uses/ Buildings

641. Accessory Structures

All accessory structures shall conform to the minimum regulations established in Articles 4 and 6 except as permitted below.

641.1 Unattached Accessory Structures. All unattached accessory structures shall comply with yard requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred and forty-four (144) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than ten (10) feet, and in the case of nonconforming lots of 0.50 acres or less in

size, five (5) feet. In the case of corner lots, the full yard as specified in Article 631 shall be maintained.

641.2 Attached Accessory Structures. An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

641.3 Unattached Accessory Structures on Lots Less than 0.25 Acres. The front yard setback for unattached accessory structures may be reduced to 10 feet on nonconforming lots less than 0.25 acres in size.

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

642.1 The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.

642.2 In the TD-2 District the total area used by all home occupations on the premises does not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance. In all other districts the total area shall not exceed fifty (50) percent.

642.3 No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.

642.4 There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign and required parking area. The sign identifying the home occupation shall not exceed a gross surface area of two (2) square feet for each exposed face, and shall comply with the applicable requirements of Article 9.

642.5 In the TD-2 District the home occupation shall be conducted only by members of the family residing in the dwelling and not more than one (1) person other than residents of the dwelling shall be employed on the premises. In all other districts, the number of nonresident employees shall not exceed three (3).

642.6 Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.

642.7 No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

642.8 No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to two hundred (200) square feet.

642.9 The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the TD-2 District, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.

642.10 Article 6.15, Performance Standards, shall also apply to home occupations.

642.11 The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, funeral parlors or other uses not meeting the requirements of this Article 642 through Article 644.

642.12 The following types of uses shall be permitted as accessory uses in all districts:

682.401 Professional offices for individual practitioners.

682.402 Rooming and/or housing of not more than two (2) persons.

682.403 Custom dressmaking or tailoring.

682.404 Foster family care for not more than four (4) children simultaneously.

682.405 Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.

682.406 Tutoring for not more than four (4) children simultaneously.

682.407 Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.

642.13 Home occupations not specifically enumerated as permitted in Article 643.10 shall not be permitted in the TD-2 District. In all other districts, home occupations not specifically enumerated as permitted in Article 643.10 shall be considered conditional uses.

643. Home-Based Business. It is the intent of this subsection to regulate the operation of home businesses to permit a variety of commercial uses in the Districts TD-1 and TD-2 under certain conditions established to minimize effects on neighboring properties and the District as a whole. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home-based business not specifically permitted by this article, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home-based business or that the proposed lot area or setbacks are not adequate. The following standards shall apply:

643.1 The home-based business must be conducted entirely inside a building situated on a minimum of five (5) acres.

643.2 No outdoor storage of materials, goods, products, supplies, or equipment used in the home-based business shall be permitted unless adequate screening and buffers are provided in accord with Article 6.15 of this Ordinance.

643.3 The home-based business shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed five (5).

643.4 Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.

643.5 No home-based business shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the District.

643.6 The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. However, this shall not preclude the operation of a trucking business involving the use of a total of three (3) or less vehicles with more than 26,000 pounds registered gross vehicle weight and/or tractor-trailer trucks.

643.7 One sign identifying the home-based business shall be permitted on each road frontage. Each such sign shall not exceed a gross surface area of four (4) square feet for each exposed face, and shall comply with the applicable requirements of Article 9.

643.8 Article 6.15, Performance Standards, shall also apply to home-based businesses.

643.9 No goods or items for retail sale shall be permitted except for items hand crafted on the premises and products incidental to the sale of such items.

643.10 Any use not meeting the requirements of this Article 643 and the following uses shall not be permitted as home-based businesses:

a. Abused person shelters
b. Adult businesses
c. Airports
d. Amusement parks
e. Amusement arcades
f. Banks
g. Betting uses
h. Bulk fuel storage facilities
i. Bus terminals
j. Campgrounds and recreational vehicle parks
k. Car and truck washes
l. Commercial communications device sites
m. Convenience stores
n. Detention facilities
o. Flea markets
p. Funeral parlors
q. Gasoline service station
r. Heliports, commercial
s. Hotels
t. Junk yards
u. Manufacturing and industry
v. Motels
w. Natural resources processing
x. Natural resource uses
y. Racetracks
z. Recyclable processing facilities
aa. Recycling collection facilities, large
bb. Recycling collection facilities, small
cc. Restaurants, fast-food
dd. Restaurants, traditional
ee. Retail sales
ff. Self-storage facilities
gg. Slaughterhouses
hh. Solid waste facilities, public
ii. Solid waste facilities, commercial
jj. Solid waste staging areas

kk. Taverns
ll. Theaters
mm. Community Intervention Center, Type 1
nn. Truck terminals (See Article 643.6)

644. No-Impact Home-Based Business. In accord with the Pennsylvania Municipalities Planning Code, the following no-impact home-based businesses shall be permitted as an accessory use in all zoning districts. A no-impact home-based business is 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 shall satisfy the following requirements as set forth in §107 of the Pennsylvania Municipalities Planning Code:

644.1 The business activity shall be compatible with the residential use of the property and surrounding residential uses.

644.2 The businesses shall employ no other employees other than family members residing in the dwelling.

644.3 There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

644.4 There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

644.5 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.

644.6 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.

644.7 The business activity shall be conducted only within the dwelling and shall not occupy more than twenty-five (25) percent of the habitable floor area.

6.5 Residential Standards.

651. Dwelling, Two Family, Duplex semi-attached. Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this article and other applicable standards in this Ordinance.

651.1 Common Wall. In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The

area of each lot shall not be less than fifty (50) percent of the minimum lot size required in this Zoning Ordinance and minimum lot dimensions shall comply with Development Standards in Article 5 and 6 of this Zoning Ordinance.

651.2 Over and Under Units. In cases where the two-family dwelling consists of two (2) dwelling units constructed with one (1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot size shall comply with Development Standards in Article 5 and 6 of this Zoning Ordinance and minimum lot dimensions shall comply with Development Standards in Article 5 and 6 of this Zoning Ordinance. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

651.3 Conversions. See Articles 652.5 and 653.

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

652.1 Project Design Process and Procedure.

652.101 Subdivision and Land Development- Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.

652.102 Design Process and Procedure -All multi-family projects shall be designed and processed in accord with the requirements for open land developments contained in Article 6 of this Ordinance.

652.103 Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other

information as shall be required to (determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

652.104 Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required in this Ordinance and Article 6145.

652.2 Bulk and Density Standards: Parcel Configuration.

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

MULTI-FAMILY DWELLING STANDARDS			
Project Standards	**Townhouses**	**Garden Apartment**	**Apartment Buildings**
Minimum size for project parcel (acres)	6	4	2
Density - number of dwelling units per acre of useable land area (See for useable land area)	2	3	4
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	-	40	50
Additional Townhouse Standards			
Minimum lot size for townhouse units for individual sale - 1,000 square feet Minimum lot width at house location - 18 feet Minimum front and rear yard setback - 10 feet front/ 15 feet rear Minimum side yard setback for end unit - 15 feet Maximum lot coverage for individual townhouse parcels - 75%			

652.3 Design Criteria.

652.301 Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through

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

652.302 Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

652.303 Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.

652.304 Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with Article 6.15 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any TD-1 or TD-2 District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.

652.305 Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.

652.306 Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion. This criteria would exclude residential trash cans and/ or recycling cans.

652.307 Architectural Renderings- Preliminary architectural renderings, models or photos for multi-family dwelling (projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain

the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

652.308 Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.

652.309 Parking - Parking for multi-family dwelling projects shall comply with Article 8 of this Ordinance.

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

652.5 Conversions of Existing Structures. Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this article, including but not limited to Article 652.2. (See also Article 653)

652.6 Common Property Ownership and Maintenance. In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article 6.14 of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

652.7 Water Supply and Sewage Disposal. All multi-family dwelling projects shall be served by a community water supply and a community sewage disposal system.

653. Conversion to Dwelling. Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall comply with the standards in this article and the other requirements applicable to the dwelling type to which conversion is proposed. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units, or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this

Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other open spaces, off-street parking, and other applicable standards.

654. Group Homes.

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

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

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

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

654.5 Parking. One off-street parking space shall be provided for each employee on duty at any one time, and every two (2) residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five (5) spaces shall be buffered from adjacent existing single family dwellings by a planting screen meeting the requirements of Article 6.9 of this Zoning Ordinance.

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

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

654.8 Number of Residents. The following maximum number of persons shall reside in a group home, including the maximum number of

employees/supervisors and/or care providers routinely in the group home at any point in time:

654.801 Single Family Detached Dwelling with minimum lot area of one (1) acre and minimum building setbacks from all "residential lot lines" of fifteen (15) feet: eight (8) total persons.

654.802 Any other lawful dwelling unit: six (6) total persons.

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

655. Assisted Care Dwelling Unit for Relative.

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

655.2 Application Requirements. The applicant shall provide a completed building permit application including a plan showing, at a minimum, the information required by Article 652 of this Ordinance, and any other information deemed necessary by the Zoning Officer to determine compliance. The application shall also include a legally binding agreement for execution between the property owner and the Township to provide for the elimination of the accessory unit in accord with the requirements of this Article 655 when the accessory unit is no longer occupied by the relative requiring care.

655.3 Subdivision and Land Development Requirements. Approval under the Township Subdivision and Land Development Ordinance shall not be required for accessory units for the care of a relative meeting the definition of Assisted Care Dwelling Unit for Relative and the requirements of this Ordinance.

655.4 Occupancy- Care Requirement. The accessory unit shall be restricted to occupancy by a "family" (as defined by Article II of this Zoning Ordinance) of a permanent resident of the principal dwelling unit on the property. Such

relative shall need care and supervision (because of old age, disability, handicap or illness as documented by a letter from a licensed medical doctor. Such accessory unit shall be permitted only where the relative requiring the care occupies the accessory unit located on the parcel of the care provider.

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

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

655.7 Unit Design. The accessory unit, if attached to the principal unit, shall be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit after its use as an assisted living unit is discontinued; or in the case of a mobile home, can be easily removed from the property. Any such attached unit shall not detract from the single family residential exterior appearance of a dwelling. Unattached accessory units shall be limited to mobile homes only.

655.8 Removal of Unit. Once the accessory unit is no longer occupied by the relative requiring care, the dwelling shall be reconverted into part of the principal dwelling unit or be completely removed within ninety (90) days, and such unit shall not be occupied in the interim. The time for removal may be extended by the Board of Supervisors upon petition by the property owner for good cause. When any unit permitted under this Article 655 is required to be removed, there shall be no physical evidence visible from exterior to the lot lines that such unit existed, other than possibly the expanded size of the dwelling.

6.6 Traffic impact study requirements.

661. Purpose. Traffic impact studies are required for certain activities to enable the Township to assess the effect on the transportation system in and around the Township and to:
    - 661.1 Ensure that proposed uses do not adversely affect the transportation network.
    - 661.2 Identify any traffic problems associated with site access.
    - 661.3 Determine traffic problems on private, Township, County or State roads in the project traffic study area.
    - 661.4 Assist in the protection of the safety of the motoring public, air quality, and energy conservation.
662. Thresholds. A TIS shall be required for all residential and non-residential proposals that are projected to generate 150 or more trip ends per project peak hour or 750 trip ends or more per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) that meet or exceed the peak hour or daily thresholds.
663. Requirement.
    - 663.1 State Roads- In cases where PennDOT requires a TIS for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
    - 663.2 Township Roads- If a TIS is required for access to a Township road, the TIS shall be prepared in accord with PennDOT methodology.

6.7 RESERVED.

6.8 Temporary structure or use.

681. Definition. A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
682. Zoning permit required. No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this Article 6.8 and other applicable provisions of this Ordinance shall have first been issued.

683. Particular temporary uses permitted. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

683.1 Contractor's office and construction equipment sheds.

683.101 Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.

683.102 Maximum length of permit shall be one (1) year.

683.103 Office or shed shall be removed upon completion of construction project.

683.104 Required water supply and sanitary facilities shall be provided.

683.2 Real Estate Sales Office.

683.201 Permitted in any district for any new subdivision approved in accord with the Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.

683.202 Maximum length of permit shall be one hundred and twenty (120) days.

683.203 The office shall be removed upon completion of the development of the subdivision.

683.204 Required water supply and sanitary facilities shall be provided.

683.3 Temporary Shelter.

683.301 When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.

683.302 Required water supply and sanitary facilities must be provided.

683.303 Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.

683.304 The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence.

683.4 Temporary uses by conditional use. For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than

customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this Ordinance, a temporary permit may be issued by the Board of Supervisors as a conditional use of structures or uses that would not otherwise be permitted, subject to the following additional provisions:

683.401 Duration. The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of 7 days in any 60-day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.

683.402 Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.

683.403 Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.

683.404 Conditions. The temporary use or structure shall:

a. be compatible with adjacent uses and
b. clearly be of a temporary nature.

683.405 Fee. The Board of Supervisors may waive and/or return the required application fee if the applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.

683.406 Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.

683.407 Special Events. For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

683.5 Additional Regulations.

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

683.502 All uses shall be confined to the dates specified in the permit.

683.503 Hours of operation shall be confined to those specified in the permit.

683.504 Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six (6) inches or as otherwise needed, of bank-run gravel or equal material.

683.6 Temporary uses which involve a structure on a fixed site shall provide evidence of a Highway Occupancy Permit for any site located on a State Highway.

683.7 Additional Requirements. The Township Council may establish additional requirements related to the terms and conditions, and the duration of each such temporary use on a case-by-case basis as needed to protect the public health, safety and welfare.

6.9 Landscaping.

691. Landscaping, Screening and Buffer Standards

691.1 Permanent Open Space

691.101 Permanent Open Space shall be landscaped and maintained in accordance with Article 6.9 hereof.

691.102 Up to 20% of the total required permanent open space area in TD-10 zones may also consist of exterior common use areas such as pedestrian paths, sidewalks, plazas, court yards, and recreational amenities.

691.2 Off-street Parking and Loading Areas

691.201 Location of Off-street Parking and Loading Areas

a. No parking space shall be nearer to any property line or right-of-way line than the minimum setback required for a principal building on the subject lot, but in no case less than 10 feet.

b. Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable the off-street parking may be provided between the front of the building and the right-of-way; in such cases,

the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer, as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer area shall not consist of or contain any paved areas, except for pedestrian walkways.

691.202 Landscaping Off-street Parking Lots

a. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots. At least one (1) shade tree shall be provided for each 300 square feet (or fraction thereof) of interior landscaping.
b. The use of small, ornamental trees in parking lots should be avoided, since these trees will never grow tall enough to provide shade and will block store signs and clear sight triangles. Canopy trees will grow tall enough so that signs can be seen under their branches.
c. All parking lots with ten (10) or more stalls shall be landscaped according to the following regulations:
    i. One planting island shall be provided for every ten parking stalls. There shall be no more than ten contiguous parking stalls in a row without a planting island.
    ii. The ends of all parking rows shall be divided from drives by planting islands.
    iii. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
    iv. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
    v. Planting islands shall be a minimum of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base

course material); mounded at no more than a 4: 1 slope, nor less than a 12: 1 slope; and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or ground cover to cover the entire area.

vi. All planting strips shall be a minimum of nine (9) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be mounded at no more than a 4: 1 slope, nor less than a 12:1 slope, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or ground cover to cover the entire area at maturity. Where planting strips shall exceed a width of twelve (12) feet, the herein-described shrubbery and ground cover requirements may be reduced to lawn grass ground cover.

vii. Plant materials shall be in accordance with the provisions of Article 691.304 hereof.

d. All parking lots shall be screened from public roads and from adjacent properties as required in Article 691.302 and 691.303 hereof.

691.203 Lighting Off-street Parking Lots

a. For all parking areas, driveways and walkways, all pole mounted luminaries shall be low maintenance poles and fixtures; and, all branch circuiting for lighting shall be installed below grade.

b. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.

c. Lighting shall be directed away from adjacent residential uses and residential zones, and shall be shielded from fugitive skyward emissions.

691.3 Buffer and Screening Requirements

691.301 All subdivisions and land developments shall provide the following types of buffer/screening treatment that is applicable to the use and the environment of the subject development, as follows:

a. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
b. Site element screens that act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road right-of-way (either public or private).

691.302 Property Line and Right-of-way Line Buffer Requirements. Also refer to Article 6176.2.

a. Property line and right-of-way line buffers shall be required for the following types of development and as otherwise specified herein.
    i. All nonresidential development adjoining a Residential or a Rural Agricultural District.
    ii. All multi-family residential structures.
    iii. All mobile home parks.
b. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The municipality shall have final approval of interpretation of land uses or zoning map.
c. Buffer Area Location and Dimensions
    i. A buffer area of not less than 25 feet in width shall be established along all property lines, and right-of-way lines unless otherwise specified herein.
    ii. The buffer area may be included within the front, side, or rear yard setback.
    iii. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or groundcover.
    iv. Parking is not permitted in the buffer area.
    v. Site element screens are permitted in the buffer area.
    vi. Storm water basins are permitted in the buffer area.

691.303 Site Element Screens

a. Site element screens shall be required in all proposed land developments around the following site elements:
    i. Parking lots.
    ii. Dumpsters, trash disposal, or recycling areas.
    iii. Service or loading docks.

iv. Outdoor storage.
v. Vehicle storage.
vi. Sewage treatment plants and pump stations.
vii. Other unenclosed uses of a similar nature, and enclosed uses such as rear facades facing public right-of-way.

b. Screen Location. The site element screen shall be placed between the site element and the property line or right-of-way and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on clear sight triangles.

c. Screen Types. Any of the following types of screens may be utilized in those cases where they will achieve the objective of blocking certain uses from public view.
i. Evergreen or Deciduous Shrubs
ii. Double Row of Evergreen Trees
iii. Opaque Fence - A six-foot opaque fence surrounding the site element on at least 3 sides
iv. Architectural Extension of the Building-An. eight-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
v. Berm with Ornamental Trees or grass - A two- to three-foot- high continuous curvilinear berm with ornamental trees. The maximum slope of the berm shall be 3: 1.
vi. Evergreen Hedge
vii. Low Wall - A wall of brick or stone (not concrete block), at least 50 percent opaque, not less than three nor more than four feet in height.

d. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

e. Existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the governing body.

The minimum visual effect shall be equal to or exceed that of the required screen.

f. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Ordinance, with the approval of the governing body.

g. Plant materials shall meet the specifications of Article 691.304 hereof.

691.304 Plant Materials

a. General Location Requirements

i. The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.

ii. Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.

b. Design Criteria

i. The required plant material shall be distributed over the entire length and width of the buffer area.

ii. Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.

iii. Plants shall be spaced to provide optimum growing conditions.

iv. A variety of tree species is required.

c. Substitutions. In accordance with the following guidelines, wherever possible, existing vegetation shall be retained and utilized as a buffer or a screen in accordance with the following guidelines:

i. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum

quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

ii. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.

d. Plant Material Specifications. The following requirements are minimum standards which shall apply to all plant materials or transplanted trees as required under this Ordinance; additional plant materials, berms, or architectural elements may be included in the plan at the applicant's discretion.

i. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.

ii. All plant material shall be hardy and within the USDA Hardiness Zone applicable to Lackawanna County, Pennsylvania.

iii. Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half inches at planting.

iv. Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of 6 feet or one-and-a-half-inch caliper. New large shrubs shall have a minimum height of two and a half to three feet at time of planting.

v. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of 4 feet based on AAN Standards. New shrubs shall have a minimum height of 18 inches at time of planting.

vi. Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height at planting of six feet.

e. Additional Plant Material Guidelines. Plant material features should be:

i. Able to thrive in the existing soil or soil that can be amended to reasonable specifications.

ii. Strong wood, not prone to breakage in wind or ice storms.

iii. Fruitless or otherwise free of parts that fall and could damage vehicles, clog drains, or make pavement slippery.

iv. Tolerant to excessive heat, de-icing salt and air pollution.

v. Free of unacceptable levels of disease or insect pests, including aphids that coat objects below with sticky "honeydew."

vi. Fits the site aesthetically and serves an intended function (shade, screen, focal point, etc.).

6.10 Site Plan Review.

The standards have been established to guide the Zoning Hearing Board in its review of site plans and hearing of special exception requests. The standards are not absolute requirements, but any site plan should generally conform to their provisions. The Zoning Hearing Board may require any of the appropriate conditions to be met prior to approval.

6.11 Fences, Walls and Hedges.

6111. Fences.

6111.1 Privacy Fences. No solid fence exceeding six (6) feet in height shall be permitted in any residential district nor between buildings or lots used for dwelling purposes in any district except as otherwise required herein. Open or ornamental fences may be erected to a height not exceeding eight (8) feet, provided the ratio of the solid portion to the open portion shall not exceed one (1) to four (4); and, provided further that no such ratio shall be applied to any screening provided by natural vegetation. No fence or other structure or appurtenance, however, may be erected within the clear-sight triangle on all corner lots for a distance of thirty (30) feet measured along street right-of-way lot lines from their point of junction.

6111.2 Screening Fences. Unenclosed nonresidential uses not excepted hereof shall be screened from public view and from adjacent properties in accordance with the provisions hereof.

6112. Enclosure of Porches. In any new construction, no porch shall extend into any required yard except open patios and decks as provided.
Any open patio, deck, or porch which has been constructed within any required yard prior to the date of this Ordinance shall not be enclosed, except as follows:

6112.1 On an interior lot where such porch shall be located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend beyond the front wall of the building or porch of any adjoining property.

6112.2 On a corner lot, the same provisions described in Article 6112.1 shall apply. In addition, the enclosure of a front porch must also be in accordance with Article 6.15, concerning the clear sight triangle.

6112.3 The enclosure of a front porch in a required front yard of either a corner lot or an interior lot shall not be allowed if such property adjoins an undeveloped zone lot in separate ownership.

6.12 Solar, Utility Scale.

In addition to criteria listed below, also refer to Article 776 of the Ordinance.

6121. Solar Energy Systems, Principal (PSES).

6121.1 Placement.

6121.101 Principal solar energy systems must be mounted to the ground. A building-mounted solar energy system is considered an accessory solar energy system for the purposes of this ordinance.

6121.102 Principal solar energy systems shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a stormwater conveyance system. Principal solar energy systems must comply with the Greenfield Township Stormwater Management Ordinance.

6121.2 Impervious Surface Calculations. The dimensional requirements for maximum impervious coverage shall apply. For the purposes of calculating

impervious coverage, solar cells and arrays mounted at least six (6) feet above the ground level at their lowest point are not considered impervious, but the concrete anchoring surfaces and racking posts and any cells or arrays closer to the ground shall be considered impervious surfaces.

6121.3 Screening. Principal solar energy systems shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a 75% opacity at six (6) feet above ground or preservation of the existing wooded areas within the required setback area.

6121.4 Signage. No signage or graphical content may be displayed on the principal solar energy system except for the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within a graphical area no more than 36 square inches in size.

6121.5 Connection to the Public Electrical Grid. The owner of a principal solar energy system shall provide the Township written confirmation that the public utility company to which the system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Township prior to the issuance of a certificate of use and occupancy.

6121.6 Transportation Impact Study Required. Preparation of a transportation impact study following the guidelines in the Greenfield Township Subdivision and Land Development Ordinance (SALDO) shall be required, unless the Township Council, upon the recommendation of the Township Engineer, specifically exempts the applicant from such requirement.

6121.7 Performance Requirements. All principal solar energy systems are subject to compliance with any applicable performance standards found in Environmental Protection.

6121.8 Installation Standards.

6121.801 Principal solar energy systems must be constructed to comply with the Pennsylvania Uniform Construction Code (UCC), Act 45 of 1999.

6121.802 All wiring must comply with the edition of the National Electrical Code (NEC) adopted by the Commonwealth of Pennsylvania. All exterior electrical lines must be buried beneath the surface of the ground where possible or otherwise placed in a conduit.

6121.803 The layout, design, and installation of a principal solar energy system shall conform to applicable industry standards, such as those

of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL) or other similar certifying organizations, and shall comply with Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

6121.9 Inspection, Safety, and Removal.

6121.901 Greenfield Township reserves the right to inspect a principal solar energy system for fire or building code compliance and safety.

6121.902 If upon inspection, the Township determines that a fire or building code violation exists or that the system poses a safety hazard to persons or property, the Township may order the property owner to repair or remove the system within 6 months unless otherwise determined by the Township. Such an order shall be in writing, shall offer the option to repair or otherwise correct the issue, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.

6121.903 If the property owner fails to repair or remove a principal solar energy system as ordered and any appeal rights have been exhausted, the Township may enter the property, remove the system, and charge the owner and/or operator for all costs and expense of removal, including reasonable attorney's fees, or pursue other legal action to have the system removed at the owner and/or operator's expense.

6121.904 In addition to any other available remedies, any unpaid costs resulting from the Township's removal of a principal solar energy system that has been vacated, abandoned, or decommissioned shall constitute a lien on the property against which the costs are charged. Legal counsel of the Township shall institute appropriate action for the recovery of such costs, plus attorney's fees, including but not limited to the filing of municipal claims pursuant to the Pennsylvania Municipal Claims and Tax Lien Act, 53 P.S. § 7101 et seq., for the cost of such work, 6% interest per annum, plus a penalty of 5% of the amount due plus attorneys' fees and costs

incurred by the Township in connection with the removal work and filing of the municipal claim.

6122. Solar Energy System, Accessory (ASES).

6122.1 When placed on top of building roofs and over vehicle parking areas, ASES devices may cover up to 20 percent of the lot area. Otherwise, ASES devices shall cover a maximum of 10 percent of lot area.

6122.2 Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.

6122.3 ASES devices mounted on the roofs of residential buildings shall not extend more than one (1) foot above the top of the peak of the roof.

6122.4 ASES devices mounted on the roofs of non-residential buildings shall not exceed the maximum building height by more than six (6) feet.

6122.5 ASES devices that are not located on a building roof shall not: (1) be located in a minimum front yard and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.

6122.6 When an applicant owns two or more adjacent lots, and at least one of those lots is proposed to utilize ASES devices, the applicant is requested to consider establishing a solar access easement or a similar legal mechanism to make sure that structures or vegetation on one lot does not unreasonably obstruct solar access for the solar energy collection devices on the adjacent lot.

6122.7 Where ASES devices are situated on a building roof, they shall be set back a minimum of three (3) feet from the side and bottom edges of the roof to allow for safer access by and less risk of electrical shock to emergency responders.

6.13 Wireless Communications Facilities.

See Article 7.4 for criteria related to Commercial Communication Tower.

6.14 Miscellaneous Building Regulations and Aesthetics

6141. Uses to be Enclosed. All commercial and manufacturing uses, except for off-street parking and loading facilities, service stations, transportation terminals, storage yards, junk yards and new and used car lots shall be conducted wholly within a completely enclosed building.

6142. Unenclosed Nonresidential Uses. Unenclosed uses of service stations, transportation terminals, storage yards, junk yards and new and used car lots shall not be located less than 100 feet distant from any Residential District.

6143. Orientation of Buildings

6143.1 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way which it abuts; provided, however, that if it is located on a corner parcel, it shall face the widest road; provided, however, that if both roads are of equal or near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced.

6143.2 Large Scale Developments with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways; provided, however, where such an orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Article 6.9.

6144. Aesthetic Design Standards for Commercial and Manufacturing Uses.

6144.1 Aesthetic Goals. All development and construction, in the form of buildings, structures or additions and exterior alterations thereto, and other site improvements and alterations, including paving, lighting and landscaping, at or for each site shall be designed and constructed to achieve the following goals:

6144.101 To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.

6144.102 To increase and secure the spectrum of attractive business establishments, improvements and facilities on appropriate locations within building sites.

6144.103 To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.

6144.2 Aesthetic Design Standards.

6144.201 Construction Materials. All construction in the form of new buildings or additions and exterior alterations shall be consistent with original

construction or of comparable materials to harmonize with the external design, both as to quality of workmanship and materials of existing structures. No structure shall contain less than 50% external masonry, glass, dryvit or similar type of construction materials, except that the facades of manufacturing and warehousing buildings may consist of metal materials. The buildings and structures shall not be of woodface composition. The fronts of all buildings and structures shall not expose concrete block composition, other than decorative concrete block.

6144.202 Waste Disposal.

a. No Lot shall be used as a dumping ground for trash.
b. All trash of any nature, shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
c. All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal law, regulation and other requirements and standards governing same.
d. "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.

6144.203 Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (e.g. on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.

6144.204 Landscaping.

a. All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.

b. Each site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.

c. Each site shall be developed, improved, used and maintained to preserve and foster as much of the existing mature natural growth as is practically possible.

6144.205 Utilities. All electric, telephone, and cable television lines shall be underground.

6145. Standards for Open Space Design and Maintenance.

This Article shall apply to any development which involves the ownership and maintenance of open land, recreation land, or common facilities (referred to as "common area" in this Article) as required by this Ordinance and the Township Subdivision and Land Development Ordinance.

6145.1 Purpose. The requirements of this Article are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

6145.2 Plan and Legal Document. The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common area. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Township.

6145.3 Use Restriction. The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable articles of this Ordinance and the Township Subdivision and Land Development Ordinance.

6145.4 Development Plan Designations. The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be

noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

6145.5 Methods for Use Dedication and Common Area Ownership and Maintenance. The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

All methods for use dedication and common area ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

6145.501 Property Owners Association or Condominium Agreements. All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

a. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute.
b. Participation in the POA/CA is mandatory for all lot owners.
c. Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.
d. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities

6145.502 Transfer to a Private Conservation Organization. In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

a. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common area ownership and maintenance standards of this Article and this Zoning Ordinance.
b. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
c. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
d. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

6145.503 Deed Restricted Private Ownership. On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

6145.504 Deed or Deed of Trust. The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

6145.505 Conservation Easements Held by the Township. In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture,

forestry enterprises and other uses permitted on open land in accord with this Ordinance, and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

6145.506 Fee Simple and/ or Easement Dedication to the Township. In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

a. There is no consideration paid by the Township.
b. Such land is freely accessible to the public.
c. The Township agrees to and has access to maintain such lands.

6145.6 Failure to Preserve dedication of Use and Operation and Maintenance of Common Areas. Should the method established for the dedication of use and operation and maintenance of common area fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:

6145.601 Notice. The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common areas.

6145.602 Correction of Deficiencies. The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

6145.603 Public Hearing. A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Zoning Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

6145.604 Failure to Correct. In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the

deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.

6145.605 Reinstatement of Responsibility. The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

6145.606 Appeal. Any party to the action of the Board of Supervisors may appeal such action to court as provided for zoning appeals in the Pennsylvania Municipalities Planning Code, as amended.

6145.607 Public Costs. The costs of the preservation of use dedication and the cost maintenance and operation of any open land conducted (by the Township in accord with this Article, and Including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in Article 6145.601 above, shall file the required notice of line against the properties.

6.15 Performance Standards

The intent of this Article is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this Article which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses. The standards in this Article shall not apply to agricultural uses unless explicitly referenced by a specific article.

6151. Yard and Buffers. Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any TD-2 District the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this Article. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.
In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

6151.1 In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

6151.2 The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.

6151.3 A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.

6151.4 Berms and landscaped walls or fences, compatible with the principal building design may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.

6151.5 In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.

6151.6 Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

6152. Landscaping. A landscaping plan for the proposed project shall be prepared by the developer for review and approval by the Township. Landscaping shall be considered an improvement for the purposes of regulation by the Township Subdivision and Land Development Ordinance. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards. For additional criteria, refer to Article 6.9.

6152.1 All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.

6152.2 Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.

6152.3 Plants shall be of a type which are proven successful in the Township's climate.

6152.4 Where landscaping is required to serve as a buffer (e.g. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.

6152.5 The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.

6152.6 All unusable areas in and around parking areas shall be landscaped.

6152.7 Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.

6152.8 Plastic landscape materials shall not be used in place of live trees, shrubs and ground cover.

6152.9 All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.

6152.10 Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.

6152.11 Adequate soil preparation in accord with accepted landscape industry practices shall be required.

6152.12 All landscaping shall be maintained in good growing condition by the property owner.

6153. Operation and Storage. All facilities and operations of any principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township for conditional uses and special exceptions, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Unenclosed uses and activities shall, in any case, be a minimum of one hundred (100) feet from any existing residential structure or any TD-2 District, unless a greater setback is required by the Township. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.

Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Trailers may be used as accessory structures provided all wheels and axles are removed, the trailers are erected and maintained as structure, and are screened from view from adjoining properties in accord with Article 6151 of this Ordinance. Trailers, maintained in good condition, shall be permitted for storage for a temporary period on the site of an on-going construction project. The placement of said trailers shall be for a specified time as stated in the required permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

6154. Fire and Explosion Hazards. All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

6155. Radioactivity or Electric Disturbance. No activities shall be permitted which emit dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

6156. Noise. The maximum sound pressure level radiated by any use or facility at any lot line shall not exceed the values in the designated octave bands listed in Table 1, after applying the corrections shown in Table 2. The sound pressure Ievel shall be measured With a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., as designated by the Board of Supervisors.

Table 1	
Frequency Band (cycles/second)	**Sound Pressure Level (decibels re 0.0002 dyne/cm)**
20-75	69
76-150	60
151-300	56
301-600	51
601-1,200	42
1,201-2,400	40
2,401-4800	38
4,801-10,000	35

Table 2	
Type of Operation OR Character of Noise	**Correction in Decibels**
Day time operation only	+5
Noise source operation less than: a. 20% of any one-hour period b. 5% of any one-hour period c. 1% of any one-hour period	a. +5* b. +10* c. +15*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, scream, screech, etc.)	-5
*Apply only one of these corrections.	

6156.1 Maximum Levels. Maximum permissible sound pressure levels at the lot line for noise radiated continuously from any facility or activity between the hours of 9:00 p.m. and 7:00 a.m. shall be as listed in Table 1.

6156.2 Corrections. If the noise is not smooth and continuous and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one (1) or more of the corrections in Table 2 shall be applied to the decibel levels in Table 1.

6156.3 Exemptions. The maximum permissible sound levels of this Article 6156 shall not apply to any of the following noise sources:

6156.301 Sound needed to alert people about an emergency or building, equipment, or facility security alarms.

6156.302 Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.

6156.303 Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.

6156.304 Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.

6156.305 Agricultural activities, but not exempting kennels.

6156.306 Motor vehicles when used on public streets in accord with state regulations.

6156.307 Railroads and aircraft.

6156.308 Public celebrations, specifically authorized by the Township, the County, state or federal government body or agency.

6156.309 Unamplified human voices.

6156.310 Routine ringing of bells or chimes by a place of worship or municipal clock.

6156.4 Professional Studies and Costs - If it is determined that professional analysis is required to enforce this Article 6156 for a particular situation, the owner shall reimburse the Township for such reasonable costs of such analysis. In addition, the Zoning Officer may base a determination under this Article 6156 on a written study prepared and certified by a qualified professional and submitted by an affected party. Any such study shall state the methods used and the credentials of the involved professional(s).

6157. Vibration. No vibration shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness. This requirement shall not apply to occasional blasting conducted in accord with applicable regulations that may be necessary during construction of streets, structure and utilities.

6158. Lighting 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 standards of the Illuminating Engineering Society shall be used as a guideline for the said design. The applicant shall provide the specifications

of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

6158.1 Exemption. This Article 6158 shall not apply to street lighting that is owned, financed or maintained by the Township or State.

6158.2 Areas to be Lighted. All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.

6158.3 Shielding. No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are folly shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.

6158.4 Glare. No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.

6158.5 Nuisances. The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.

6158.6 Height. The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.

6158.7 Type. The use of mercury vapor lighting shall be prohibited.

6158.8 Flashing. Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

6159. Other.

6159.1 Smoke. No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.

6159.2 Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

6159.3 Other Forms of Air Pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause

any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

6159.4 Surface and Ground Water Protection. All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of groundwater supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one thousand (1,000) feet of any portion of the property where the proposed use will be located.

6159.5 Storm Water Management and Soil Erosion Control. A storm water management plan and soil erosion control plan may be required by the Zoning Officer, Planning Commission, Board of Supervisors or Zoning Hearing Board, as the case may be, for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in the Township Subdivision Ordinance or other applicable Township regulations and County Conservation District standards, and shall be based on generally accepted engineering principles appropriate for the proposed use.
The protection of the quality of ground water and surface water shall be an integral part of all proposed storm water management practices; and all storm water management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to

infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.
In any area of the Township where a storm water management plan has been prepared and adopted in accord with the Pennsylvania Storm Water Management Act, the provisions of any applicable storm water control ordinance shall apply.

6159.6 Waste Materials. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

6159.7 Handicapped Access. Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.

6159.8 Settling and/or Storage Ponds and Reservoirs. All ponds, reservoirs or other such structures which are associated with any manufacturing or industrial process, any sewage or waste disposal process, or agricultural manure management operation shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four (4) feet high and of a design to restrict access to the area to be controlled. Any such structure which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high.

6159.9 Security. In cases where deemed necessary by the Township (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of

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

6159.10 Water Supply. All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential, commercial, industrial and other developments or uses will assure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources.

6159.11 Sewage Disposals. Sewage disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Township and the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with Pennsylvania Department of Environmental Protection or local sewer authority requirements. No discharge of wastes, by-products or materials in any way associated with a production process, health care or veterinary facility medical wastes, funeral home wastes, or other commercial wastes shall be permitted to any subsurface, land application or other soil-based sewage disposal system.

Any sewage treatment plant facilities shall be a minimum of one hundred (100) feet from any public or private road right-of-way or property line.

6159.12 Building Color. This Article 6159.12 shall apply to all nonresidential structures. Structure exteriors shall be of low-intensity, earth-tone colors to complement the landscaping plan and blend with the natural vegetative surroundings of the proposed site. The applicant shall submit, along with the zoning application, samples of the color(s) proposed for the building(s) exterior for approval by the Township.

6159.13 Travel Routes. In the case of a conditional use or special exception application, the Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and the types of vehicles servicing the proposed use, and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township road bonding requirements.

6159.14 Other Regulations. The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, may require documentation from the Applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

6.16 Environmental Impact Statement

The intent of this Article 6.16. is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts on the Township require the developer to prepare and submit to the Township an environmental impact statement (EIS) for the following types of developments and uses:

a. Industrial parks
b. Light manufacturing or manufacturing or industrial uses
c. Junkyards
d. Natural resource uses
e. Natural resource uses processing
f. Agricultural products processing
g. Solid waste facilities and staging areas
h. Warehouses and trucking terminals
i. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
j. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
k. Any use involving development in any flood plain area

The requirements of this Article 6.16. may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EIS should such components be deemed unnecessary for certain uses.

6161. Purpose of EIS. The purpose of this EIS is to disclose the environmental consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect water courses, air resources and aquifers.

6162. Contents of EIS. An Environmental Impact Statement shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The EIS shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.

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

6162.1 Soil Types.

- 6162.101 U.S.D.A. Soil Types (show on map)
- 6162.102 Permeability of soil on the site.
- 6162.103 Rate of percolation of water through the soil for each five acres.

6162.2 Surface Waters

- 6162.201 Distance of site from nearest surface water and head waters of streams.
- 6162.202 Sources of runoff water.
- 6162.203 Rate of runoff from the site.
- 6162.204 Destination of runoff water and method of controlling down stream effects.
- 6162.205 Chemical additives to runoff water on the site.

6162.206 Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the Lackawanna County Conservation District.

6162.207 Said information shall be set forth in a storm water management plan meeting the requirements of the Township Subdivision Ordinance.

6162.3 Ground cover, including vegetation and animal life

6162.301 Extent of existing impervious ground cover on the site.

6162.302 Extent of proposed impervious ground cover on the site.

6162.303 Type and extent of existing vegetative cover on the site.

6162.304 Extent of proposed vegetative cover on the site.

6162.305 Type of animal life and effect on habitat

6162.4 Topographic and Geologic

6162.401 Maximum existing elevation of site.

6162.402 Minimum existing elevation of site.

6162.403 Maximum proposed elevation of site.

6162.404 Minimum proposed elevation of site.

6162.405 Description of the topography of the site and any special topographic features, and any proposed changes in topography.

6162.406 Surface and subsurface geology

6162.5 Ground Water

6162.501 Average depth to seasonal high water table.

6162.502 Minimum depth to water table on site.

6162.503 Maximum depth to water table on site.

6162.504 Quality

6162.6 Water Supply

6162.601 The source and adequacy of water to be provided to the site.

6162.602 The expected water requirements (g.p.d.) for the site.

6162.603 The uses to which water will be put.

6162.7 Sewage Disposal

6162.701 Sewage disposal system (description and location on the site, of system).

6162.702 Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).

6162.703 Expected daily volumes of sewage.

6162.704 Affected sewage treatment plant's present capacity and authorized capacity.

6162.8 Solid Waste

6162.801 Estimated quantity of solid waste to be developed on the site during and after construction.

6162.802 Method of disposal solid waste during and after construction.

6162.803 Plans for recycling of solid waste during and after construction.

6162.9 Air Quality

6162.901 Expected changes in air quality due to activities at the site during and after construction.

6162.902 Plans for control of emissions affecting air quality.

6162.10 Noise

6162.1001 Noise levels, above existing levels, expected to be generated at the site, (source and magnitude), during and after construction.

6162.1002 Proposed method for control of additional noise on site during and after construction.

6162.11 Land and Water Surface Use and Community Character

6162.1101 Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.

6162.1102 Adjoining land uses and character of the area.

6162.1103 Type and concentration of existing water craft uses.

6162.12 Critical Impact Areas - Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas

6162.13 Historic Resources - Identification of structures or sites of historic significance and probable effect of project.

6162.14 Transportation Network - Existing network traffic volumes and capacities and need for improvements required by project.

6162.15 Law Enforcement- Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.

6162.16 Community Facilities and Services- Existing community facilities and services and how the proposed use will effect those facilities and services, including projected needs for additional facilities and services.

6162.17 Additional Requirements - In addition to the above requirements the Planning Commission and/or Township Board of Supervisors or the Zoning

Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.

6163. Additional Considerations.

6163.1 A description of alternatives to the proposed use.

6163.2 A statement of any adverse impacts which cannot be avoided.

6163.3 Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.

6163.4 A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.

6163.5 A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

6164. Qualifications. The EIS shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Board of Supervisors or the Zoning Hearing Board as the case may be.

6165. Procedures for evaluating the EIS shall be as follows:

6165.1 Upon receipt of the application the Township shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.

6165.2 The above mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.

6165.3 The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EIS.

6165.4 Fees for the costs of such consultation as described in articles above shall be paid by the applicant.

6165.5 Copies of the EIS shall be on file and available for inspection in the Township office.

6165.6 The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

6.17 Environmental Protection

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

6171. Steep Slopes Areas.

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

6171.1 An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.

6171.2 A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.

6171.3 Impervious surfaces are kept to a minimum.

6171.4 No finished grade where fill is used shall exceed a fifty (50) percent slope.

6171.5 Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.

6171.6 No more than seven thousand (7,000) square feet of area may be totally cleared for building purposes including house, garage, accessory structures, driveway or other impervious areas.

6171.7 At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.

6171.8 Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.

6171.9 Roads and utilities shall be installed along existing contours to the greatest extent possible.

6171.10 Any steep slope areas also characterized by seasonal high-water tables shall be avoided.

6171.11 Natural vegetation shall be preserved to as great a degree as possible.

6171.12 In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

6172. Wetlands.

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

6173. Buffer for Water Bodies.

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

6174. Floodplain.

Flood plain shall be governed by the flood plain regulations contained in the Township Building Code ordinance of 1992, as amended.

6175. Bedrock Disturbance.

6175.1 Intent. The intent of this article is to regulate earth disturbance, minimize storm water runoff and protect soil resources and water quality. This article shall not apply to agricultural uses or forestry enterprises with an approved soil erosion and sedimentation control plan meeting the requirements of the County Conservation District and PA DEP.

6175.2 Permit. Any activity, except in cases where zoning or subdivision and land development approval has been otherwise granted, which will result in the earth disturbance of more than one-half (0.5) acres of land area shall require a zoning permit.

6175.3 Plan. The Applicant shall include with the application for a zoning permit a plan setting forth the details of the earth disturbance and including any additional information deemed necessary by the Township to determine compliance.

6175.4 Soil Erosion and Sedimentation and Storm Water Control. Any earth disturbance shall comply with Article 6151.3 of this Ordinance and no earth disturbance or clear cutting shall be permitted within twenty-five (25) feet of any water body or stream.

6175.5 Bedrock Disturbance – Aquifer Protection. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality and how such impacts will be mitigated.

6175.6 Revegetation/ Reforestation. The plan shall include provisions for the revegetation, stabilization, and/or reforestation of any disturbed areas.

6176. Property Line Buffer Areas.

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

6176.1 Natural Vegetation. In order to minimize soil erosion and storm water run-off, and to preserve the rural character of the Township, natural vegetation shall be maintained to the greatest extent possible.

6176.101 Clearing of vegetation shall be limited to those areas of the site needed for proposed and required improvements.

6176.102 Any part of a site where existing vegetation has been disturbed and which is not used for buildings, structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped.

6176.103 In the case conditional uses and special exceptions, additional landscaping, screening and/or buffers may be required by the Township where the same are determined by the Township as necessary to protect adjoining uses.

6176.2 Buffer Areas. In addition to the requirements of Articles 691.302 6176.1, the following requirements shall apply to all parcels in TD-5 and TD-10 Districts, and to all parcels of four (4) acres or more in all other districts:

6176.201 Prior to Project Approval. A buffer of not less than seventy-five (75) feet in width shall be maintained along all property lines and any road right-of-way until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.

6176.202 Plan. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

6.18 Outdoor Furnaces

Outdoor furnaces shall be permitted as an accessory use only in accord with the following:

6181. Outdoor furnaces shall be permitted only in the TD-1 Zoning District.

6182. Outdoor furnaces shall not be located less than one hundred (100) feet from any property line or public or private road right-of-way.

6183. If located fifty (50) feet or less to any building, the chimney of the outdoor furnace shall be at least two (2) feet higher than the eave line of that building. However, in no case shall the minimum height of the chimney be less than twenty (20) feet.

6184. The only fuels allowed shall be those listed fuels recommended by the manufacturer. The following are specifically prohibited: unseasoned firewood, trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products and cardboard.

6185. Outdoor furnaces shall be operated only between September 1 and May 31.

6186. All outdoor furnaces shall be equipped with properly functioning spark arresters.

6187. A permit issued pursuant to this article may be revoked by the Zoning Officer as may be necessary to protect the public health, safety and welfare of the residents of the Township if any of the following conditions occurs:

6187.1 Malodourous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located.

6187.2 The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property.

6187.3 The emissions from the outdoor furnace cause damage to vegetation or property.

6187.4 The emissions from the outdoor furnace are or may be harmful to human or animal health.

6.19 Mineral Extraction

6191. Pennsylvania Municipalities Planning Code. The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code §603(1) states that zoning ordinances shall provide for the reasonable development of minerals in each municipality. The Code definition of minerals is: Any aggregate or mass of mineral matter, whether or 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. The Code, at §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the Pennsylvania Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

6192. Intent and Exemption

6192.1 Intent - The intent of this article is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare.

6192.2 Oil and Gas Wells: Horizontal Capture of Natural Gas - Oil and gas wells shall comply with this and the other applicable requirements of this Ordinance. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

6193. Use Classification; Mineral Processing a Separate Use. Mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses in accord with the following:

6193.1 Conditional Use - The following types of mineral extraction, as defined and regulated by the Pennsylvania Department of Environmental Protection (DEP), shall be considered conditional uses:

6193.101 Any Noncoal Surface Mining Activity which requires a large license/small permit or a large license/large permit from DEP.

6193.102 Any Underground Noncoal Mining Activity

6193.2 Principal Permitted Use - The following types of mineral extraction, as defined and regulated by the Pennsylvania Department of Environmental Protection (DEP), shall be considered principal permitted uses:

6193.201 Any Noncoal Surface Mining Activity, which requires a small license/small permit from DEP.

6193.202 Oil and gas wells.

6193.203 Other mineral extraction activities which are not classified as conditional uses.

6193.3 Mineral Processing. Refer to Article 6.20 for additional criteria.

6193.301 Separate and Distinct Use; Conditional Use in Specified District - Any use which involves the refinement of minerals

to specifications for sale including, but not limited to the crushing, screening, cutting, sawing, washing, grading, refinement or purification of minerals: and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of stone, concrete and clay products, shall be considered mineral processing, which is a separate and distinct use regulated by this Zoning Ordinance as an use in the district specified in the Schedule of Uses.

6193.302 Incidental with Extraction Operation- This shall not preclude the incidental screening, washing, crushing, and grading of materials originating on the site as part of a mineral extraction operation.

6194. Standards. In addition to the performance standards in this Article and all other applicable standards of this Ordinance which are not preempted by state statute, mineral extraction operations shall comply with the following:

6194.1 Setback - A setback of one hundred (100) feet shall be maintained between any mineral extraction operation and adjoining properties and public road rights-of-way.

6194.2 Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other mineral extraction purpose except landscaping and crossing of access roads.

6194.3 Buffers - In determining the type and extent of the buffer required for the uses, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

6194.301 If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.

6194.302 Buffers shall be designed in accord with this Article of this Ordinance and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the

requirements for land developments in the Township Subdivision and Land Development Ordinance.

6194.303 It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

6194.4 Access Routes: Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

6194.5 Conditions of Approval - If the Township determines that the standards in this Article which are not preempted are not adequate for an use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions may be related to hours of operation, more stringent noise control, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

6195. Local, State, and Federal Regulations. Mineral extraction operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to, the Non coal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

6196. Informational Requirements. The applicant shall provide:

6196.1 Application Information -The information required by this Article, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.

6196.2 DEP Application Information -A copy of all applications and information required by the applicable DEP Rules and Regulations.

6197. Reporting Requirements. For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

6198. Expansion of Nonconforming Mineral Extraction Operations. Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of

the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this ordinance.

6.20 Mineral Processing

Mineral processing is considered a permitted use in the TD-10 District. In addition to the performance standards in this Article and all other applicable standards of this Ordinance, the requirements of this Article shall apply.

6201. Location Requirements. Mineral processing operations shall comply with the following location requirements:

6201.1 Setbacks - The following setbacks shall be maintained for any mineral processing operation:

6201.101 Property Lines, Road rights-of-Way-Two hundred (200) feet to adjoining properties and public road rights-of-way

6201.102 Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.

6201.103 Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

6201.2 Buffer-

6201.201 An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

6201.202 Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.

6201.203 Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.

6201.204 It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

6201.3 Access Routes: Road Conditions- The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

6202. Local, State and Federal Regulations. All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

6203. Informational Requirements. The applicant shall provide the information required by this Article and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with Article 6 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

6203.1 Application Information - The information required by this Article, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.

6203.2 DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

6204. Reporting Requirements. For any mineral processing operation approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

6.21 Retail Stores

6211. Traffic and Vehicular Movement

6211.1 The applicant shall demonstrate that access to and from the site and the design of the parking facilities shall not cause vehicles to backup onto abutting streets or obstruct internal access drives.

6211.2 Access shall be via a major or minor collector road as identified in the Township Comprehensive Plan.

6211.3 Each application for a retail store shall be accompanied by a traffic study prepared by a professional traffic engineer that details expected peak and total trip volumes and designations. The study shall consider and make recommendations as to highway system improvements necessary for the safe and congestion-free management of the generated traffic.

6211.4 Off-street parking shall not be permitted within any front yard or within any side or rear setback areas.

6212. Outdoor storage shall not be permitted within any front yard or parking area, except for the incidental display of seasonal merchandise directly within 6 feet of the front of the building. Outdoor storage shall not be permitted within any side or rear setback area.

6213. Vehicle fuel dispensing facilities are permitted in conjunction with convenience stores. Such dispensing facilities shall conform to the relevant requirements of this Chapter.

6214. An overlay master plan indicating improvements, including layout of lots, roads, utilities, and buildings shall be prepared and submitted as part of the application.

6215. All utilities shall be placed underground.

6216. Fire lane easements shall be shown on the plan.

6217. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

6218. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

6219. The use shall comply with all performance standards specified in this Ordinance.

6.22 Restaurant, Traditional

6221. Portable signs no larger than 6 square feet in area, per side, and no larger than 3 feet wide, advertising the special sales or menu items

6222. Required off-street parking for the restaurant shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the restaurant.

6223. Dumpsters and service areas shall be screened from the public right-of-way and not conflict with off-street parking associated with the use. No dumpsters and/or service areas shall be located between the front lot line of the lot and the front facade of the principal structure in which it is located.

6224. Outdoor storage of materials shall not be permitted.

6225. A Delivery Plan for the use shall be submitted for Township approval.

6226. The use shall comply with all performance standards specified in this Ordinance.

6227. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.

6228. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

6.23 Short-Term Rental

Refer to ordinance 2025-11-11 “The Short-Term Rental Ordinance of Greenfield Township” or as amended.

7. Specific Criteria, Special Exceptions, and Conditional Uses

7.1 Purpose.

This article sets forth the process and conditions which must be met before a special exception or conditional use can receive approval and be granted a zoning permit.

7.2 Special Exception Use Procedure.

721. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Article 4.3 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this article, any applicable provisions for the corresponding use found in Article 7.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Article 7.4 for the specific use by special exception have been met.

722. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in Article 11.4 of this Ordinance.

723. Conditions for Approval.

723.1 In addition to the minimum conditions contained in Article 7.4 for each use by special exception, the use shall meet the following additional requirements:

723.101 The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.

723.102 The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.

723.103 The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.

723.104 The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Community's adopted Comprehensive Plan.

723.105 The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

723.2 In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

7.3 Conditional Use Procedure.

731. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Article 4.3 as permitted by conditional use (notated with the letter 'C') shall comply with the provisions of this article, any applicable provisions for the corresponding use found in Article 7.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Article 7.4 for the specific conditional use have been met.

732. Procedure.

732.1 An application form prescribed by the Greenfield Township shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Greenfield Township Board of Supervisors.

732.2 The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by Greenfield Township. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:

732.201 That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;

732.202 That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;

732.203 That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;

732.204 That the proposed conditional use is in general conformity with the Community's adopted Comprehensive Plan; and

732.205 That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Greenfield Township Board of Supervisors shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

732.3 If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.

732.4 The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Greenfield Township Board of Supervisors approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Greenfield Township ordinance.

732.5 The Greenfield Township Board of Supervisors may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Community's adopted Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).

732.6 Public Hearings.

732.601 Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Greenfield Township Planning Commission. The Planning Commission and Greenfield Township Engineer shall be given an opportunity to provide written recommendation to Greenfield Township Board of Supervisors concerning whether to approve, conditionally approve, or deny the application.

732.602 A minimum of one (1) public hearing shall be held by the Greenfield Township Board of Supervisors at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.

732.603 Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted by the Greenfield Township at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

732.604 If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.

732.605 The Greenfield Township Board of Supervisors shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.

732.606 If the Greenfield Township Board of Supervisors denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.

732.7 Duration of Conditional Use Permit.

732.701 If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Greenfield Township Board of Supervisors, in its discretion, may grant an extension of up to 12 additional months upon written

request by the applicant prior to the conditional use permit's expiration.

732.702 If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the Greenfield Township Board of Supervisors, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

7.4 Specific Requirements for Special Exception and Conditional Uses.

741. Agritourism

741.1 Activities shall only occur on land which is at least ten (10) acres in size.

741.2 Patrons participating shall only be permitted to access structures that are located a minimum distance of three hundred feet (300') from the nearest point of any dwelling unit not owned by the owner of the land where they are conducted.

741.3 Patrons participating in Activities shall only be permitted to access structures that are located a minimum distance of one hundred feet (100') from any real property boundary line, unless such property boundary line is appurtenant to a parcel of real property owned by the owner of the land on which the Activities are conducted.

741.4 Onsite parking for patrons shall be provided, and no parking by patrons shall occur on any public road.

741.5 Parking areas used by patrons participating in the Activities shall be located a minimum distance of one hundred feet (100') from any real property boundary line, unless such property boundary line is appurtenant to a parcel of real property owned by the owner of the land on which the Activities are conducted.

741.6 The Activities shall not be conducted in such a way as to produce noxious odors, noise, or glare.

741.7 Agritourism activities shall not be conducted between the hours of 9 p.m. and 6 a.m.

742. Airports

742.1 A minimum lot size of 20 acres shall be required.

742.2 Runways shall be oriented to minimize the hazards and disturbance posed by aircraft during takeoff and landing.

742.3 The Pennsylvania Bureau of Aviation shall find the landing area safe and acceptable for licensing a private airstrip, private airport or heliport.

742.4 The Federal Aviation Administration shall have granted approval for the use of the airspace.

742.5 Public airports must meet all applicable regulations and guidelines of the Federal Aviation Administration.

743. Animal Hospital / Vet Clinics

In any zone district where permitted, no such use shall be located closer than one hundred (100) feet to any Residential District, restaurant, or hotel, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration shall be permitted on the premises.

744. Cemeteries and Mausoleums

Any of these uses shall provide entrance on a street or road with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six (6) foot high fence, evergreen or evergreen type hedges or shrubs, at intervals of not more than six (6) feet, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any Residential District or residential street.

745. Commercial Communication Tower

745.1 All applications for the location of Telecommunications Towers and Telecommunications Facility Buildings are subject to the Site Plan Review by the Planning Commission and Approval by the Township Council.

745.2 The Telecommunications tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended; provided, however, that such towers shall be monopole design without lattice work.

745.3 A soil report complying with the standards of Appendix I, Geotechnical Investigations, ANSI/EIA-222-E manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the Telecommunications Tower, and anchors for the guy wires if used.

745.4 Telecommunications Towers shall be designed to withstand wind gusts of at least 100 miles per hour.

745.5 A Telecommunications Tower may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.

745.6 The applicant for the placement of a Telecommunications Tower shall be required to submit to the Township evidence of the need for the Telecommunications Tower and that the applicant has exhausted all

alternatives to constructing a Telecommunications Tower. Applicants are required to prove need by:

745.601 Demonstrating via written evidence that, in terms of location and construction, there are no existing towers, Telecommunications Towers, buildings, structures, elevated tanks or similar uses able to provide the platform for the Telecommunications Antenna; and

745.602 Providing evidence, including coverage diagrams and technical reports, demonstrating that co-location on existing Telecommunications Towers is not technically possible in order to serve the desired need. Co-location is not possible if:

a. Planned equipment would exceed the structural capacity of existing Telecommunications Towers within the Township, considering existing and planned use of those Telecommunications Towers, and existing Telecommunications Towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or

b. Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for the Telecommunications Tower, and the interference cannot be prevented at a reasonable cost; or

c. Existing or approved Telecommunications Towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned; or

d. Other reasons make it impractical to place the equipment planned by the applicant on existing and approved Telecommunications Towers.

745.7 No Telecommunications Tower shall be closer than five hundred (500) feet to another Telecommunications Tower, nor less than 250 feet from a residential zone or a residential building.

745.8 Telecommunications Towers shall be subject to a minimum setback from all overhead electric transmissions lines of a distance equaling the height of the tower.

745.9 The applicant shall present documentation that the Telecommunications Tower is designed in accordance with all applicable state and federal regulations. Except as required by the Federal Aviation Administration, or

other Federal or state agencies, no Telecommunications Tower may use artificial lighting or strobe lighting at night.

745.10 An applicant for a zoning permit for a telecommunications tower, shall:

745.1001 Execute an agreement with the Township, in a form legally acceptable to the Township, requiring the removal of the tower within one (1) year after the tower ceases to function as such, including the posting of appropriate security adequate to remove the subject tower;

745.1002 Agree to erect a tower with sufficient capacity to accommodate not less than two (2) antennas in addition to their own;

745.1003 Agree to rent or sell such additional capacity to another developer that requires antennae space to serve a similar purpose;

745.1004 Agree to submit to binding arbitration, in accordance with procedures to be established by the Greenfield Township Council, and agree to share the cost of such arbitration equally with the other parties desiring space on the subject tower in the event that the developer and the other parties do not reach an acceptable settlement within thirty (30) days of notification to the Township; and, the tower developer shall be responsible for prompt reporting of an offer within five (5) days thereof.

745.11 Except when located on the roof of a building, a security fence, of approved design, of not less than eight (8) feet, and no greater than ten (10) feet, shall completely enclose the Telecommunications Tower. A fence of not less than eight (8) feet and no greater than ten (10) feet shall also completely enclose the anchored locations of guy wires, if used. This fencing shall be designed to be compatible with surrounding land uses.

745.12 Except when located on the roof of a building, the applicant shall submit a landscaping plan. Sites in which Telecommunications towers are located shall be required to comply with the following landscaping requirements:

745.1201 Landscaping and planting of an approved design shall be provided for a depth often (10) feet along all public rights-of-way abutting the lot where the Telecommunications Tower is located. This requirement may be waived by the Board of Supervisors, provided that there is existing acceptable vegetation along the public rights-of- way abutting the lot.

745.1202 Landscaping, consisting of trees and shrubs, shall be required at the perimeter of the security fences and the Telecommunications Facility Building. Evergreen trees often (10) feet height at planting,

and growth of a minimum of fifty (50) feet at maturity, shall be planted a maximum of fifteen (15) feet from each other around the perimeter of the security fence. Areas between the trees shall be interspersed with approved shrubbery planting of a height of not less than five (5) feet.

745.1203 Landscaping, consisting of approved evergreen trees of ten (10) feet height of planting, at a maximum of fifteen (15) feet from each other shall be required along all property lines abutting an existing residence, school, park or church. This requirement may be waived by the Board of Supervisors provided the abutting property owner(s) submit in writing to the Township that they are waiving their right to this landscaping, or the Board of Supervisors may waive this requirement if there is existing acceptable vegetation along the property lines.

745.13 A minimum of two (2) parking spaces shall be required. Spaces shall meet the applicable requirements hereof.

745.14 Telecommunications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.

745.15 The Telecommunications Facility Buildings shall be identified as Accessory Buildings, and the applicable regulations for the host zoning district shall apply.

745.16 Guy wires, if utilized, must be anchored no closer than twenty-five (25) feet from any property line. Guy wires shall not cross or encroach any overhead telephone or electric power lines.

745.17 Tower height shall be measured from the top of the foundation to the top point of the tower or the top point of the Telecommunications Antenna, whichever is higher.

745.18 Internal access to the Telecommunications tower shall be provided by a minimum twelve (12) foot width cartway with a durable and dustless surface, such as concrete or a bituminous concrete surface for a minimum of fifty (50) feet from any public or private street. The length of the cartway beyond this fifty feet shall, at a minimum, be surfaced with a durable and dustless gravel surface. The vehicular access to the Telecommunications Tower and Telecommunications Facility Building, shall, whenever feasible, be provided along existing circulation driveways.

745.19 Setbacks: Telecommunications Towers - Setback from property lines at least one hundred percent (100%) of the combined height of the wireless support

structure and antenna, or the applicable minimum building setback in the underlying zoning district, whichever is greater.

Equipment Buildings/ cabinets - Subject to applicable minimum building setback in the underlying zoning district.

745.20 A Telecommunications Tower shall be no higher than one hundred seventy five (175) feet, and shall be a monopole structure.

745.21 There shall be no more than one Telecommunications Tower on one lot.

745.22 Removal of Commercial Communications Towers

745.2201 If a commercial communications antenna or commercial communications tower remains substantially unused for a continuous period of twelve (12) consecutive months, the owner or operator of the commercial communications antenna or commercial communications tower shall remove the commercial communications antenna or commercial communications tower within six (6) months of receipt of a notice from the Greenfield Township ordering such removal. Unless the owner or operator can prove that any building or appurtenant structure associated with the commercial communications tower and all landscaping can be used for other permitted uses in the zoning district, the building, appurtenant structures and landscaping shall also be removed. The base of the commercial communications tower shall be removed in all circumstances.

745.2202 Prior to the issuance of a building permit by the Greenfield Township, the Applicant shall post a security in the form of a bond or letter of credit in an amount approved by the Township Engineer and in a form approved by the Township Solicitor in an amount to cover the costs of removal of the commercial communications antenna or commercial communications tower and site clean up including a factor for inflation. In the event that the owner or operator of the commercial communications antenna or commercial communication tower fails to remove the commercial communications antenna or commercial communications tower within six (6) months from having received notice from the Greenfield Township, the security shall be used by the Greenfield Township to remove the commercial communications antenna or commercial communications tower and site facilities as provided for above.

745.23 Lighting

No commercial communications antenna or commercial communications tower shall be artificially lighted except when required by the Federal Aviation Administration or Pennsylvania Department of Transportation.

745.24 Federal Communications Commission

The Applicant for a Special Exception for a Commercial Communication Tower or Commercial Communication Antenna shall provide a certification from the Federal Communications commission that it is licensed by the Federal Communications Commission and, if applicable, certification that the Federal Communications Commission has approved the commercial communications antenna or commercial communications tower. Said certifications will be submitted in writing with the Application.

746. Concentrated Animal Feeding Operations

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

746.2 Definition of CAFO - Any livestock operation which is defined as a concentrated animal feeding operation by the regulations adopted by the Commonwealth of Pennsylvania.

746.3 Conditional Use - CAFO's shall be considered conditional uses and only in those districts specified by the Schedule of Uses.

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

746.401 Parcel Size -The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be fifty (50) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO.

746.402 Location -The applicant shall conduct a traffic study in accord with Article 6.6 to demonstrate the roads serving the location are adequate to carry the volume and weight of the anticipated traffic. Such final determination shall be made by the Township based on the traffic study. The traffic study and plan shall (establish the most direct proposed route or routes for vehicles serving the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.

746.403 Setbacks - CAFO buildings used for housing of animals and structures for the storage of manure shall not be less than five hundred (500) feet from any property line and not less than two thousand five hundred (2,500) feet from any existing dwelling not located on the land with the CAFO. Manure storage facilities shall meet the setbacks established by the Nutrient Management Act and its regulations.

746.404 Buffer - A buffers shall be provided in accord with a plan to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.

746.405 Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.

746.406 Storm water Management-A storm water management plan shall be prepared meeting the requirements of the Subdivision and Land Development Ordinance.

746.407 Conservation Plan - A conservation plan shall be prepared meeting the requirements of the County Conservation District.

746.408 Ground Water Protection -The applicant shall submit a groundwater and hydrogeological report from a qualified engineer or geologist detailing the groundwater characteristics of the area and identifying the (probable impacts on groundwater supply and quality. Details of the potential hazards and details of planned safety devices and contamination response actions shall be provided. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water

supplies. In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

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

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

746.411 Facility Operation and Management -The applicant shall demonstrate that the facility will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity. The operation and day-to-day maintenance of the facility shall comply with all applicable local, state and federal statutes, rules, regulations and ordinances 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. The applicant shall obtain all required local, state and federal as a condition of Township approval. A copy of all written applications, filings, plans and materials that are filed before any local, state and federal agency or which relate to other

ordinances of the Township shall be concurrently submitted to the Zoning Officer.

746.412 Flood Plain - No CAFO buildings or manure storage facilities shall be erected in the one hundred-year flood plain.

746.5 Manure from CAFO Outside Township - This article applies to application of manure on lands in the Township from CAFO's located outside the Township. It is intended to ensure compliance with all applicable state and federal regulations.

746.501 Conditional Use -The application of manure on lands in the Township from a CAFO located outside the Township shall be considered a conditional use.

746.502 Nutrient Management Plan - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.

746.503 Conservation Plan - A conservation plan shall be prepared meeting the requirements of the County Conservation District.

746.504 Setbacks - Manure application shall meet the setbacks established by the Nutrient Management Act and its regulations.

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

746.506 Regulation Compliance -The applicant shall provide documentation to demonstrate compliance with all applicable state and federal regulations. This shall also include the source and content of the manure and documentation of compliance with the source operation with all applicable state and federal regulations.

747. Concentrated Animal Operations

Livestock operations shall not be permitted in TD-1 Districts, except in cases where livestock is at all times kept a minimum of two hundred (200) feet from any dwelling or principal non-residential structure not located on the same parcel on which the livestock is kept.

748. Contractors' Yards

748.1 The intent of this article is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals. (See

definition of "contractor yards" and "staging areas for equipment/materials" in Article 2.2)

748.2 Access to Public Roads

748.201 Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.

748.202 Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

748.203 Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.

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

748.3 Setbacks

748.301 Residential and Nonresidential Buildings -Contractor yards and staging areas for equipment/materials shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.

748.302 Property Lines - Contractor yards and staging areas for equipment/materials shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.

748.303 Public Roads- Contractor yards and staging areas for equipment/materials Storage yards shall not be less than fifty (50) feet from any public road right-of-way.

748.304 Streams, Water Bodies and Wetlands - Contractor yards and staging areas for equipment/materials shall not be less than one hundred (100) feet from any stream, water body or wetland.

748.305 Slope - Contractor yards and staging areas for equipment/materials shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

749. Crematory

Any of these uses shall provide entrance on a street or road with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six (6) foot high fence, evergreen or evergreen type hedges or shrubs, at intervals of not more than six (6) feet, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any Residential District or residential street.

750. DAS

750.1 Such uses shall be subject to all applicable regulations of the F.C.C. and other applicable Federal and State Regulating Bodies as evidenced by their approval of all plans thereof.

750.2 Purpose. The following regulations governing antennae are designed to protect the aesthetic environment of the vicinity where they are to be located as well as to protect the public health, safety and welfare. The provisions of this Article shall not apply to a T.V. Satellite Dish Antennae and Other Antennae having a diameter of 36 inches or less.

750.3 Permit Requirements. A special Satellite Reception Permit shall be required only for specific situations described below in Allowed Locations. In TD-10 they shall be allowed anywhere on the site or on the building. In residential districts they shall be limited to the rear yard. If the applicant adequately documents that reception is infeasible in the rear yard they may be located in any side yard. If, however, reception is infeasible in either of these areas, they may be located in the front yard or on the roof of the building to which they are appurtenant. If they are to be located in the front yard or on the roof of the building, a special Satellite Reception Permit shall be required as specified in hereof.

750.4 Size and Height. In TD-10, there shall be no restrictions regarding their size or height. In all residential districts, however, except as otherwise provided herein, they shall not exceed a diameter of 12 feet or a height of 20 feet. However, where such height and/or size restrictions preclude the feasibility of reception, these dimensions may be exceeded, but a special Satellite Reception Permit shall be required.

750.5 Additional Requirements

750.601 Except in a TD-10, satellite television antennas shall be located and designed (to the extent reasonably feasible) to reduce visual impact on surrounding properties.

750.602 Antennae shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.

750.603 Every antenna must be adequately grounded for protection against a direct strike of lightning.

750.604 Every Antenna shall be effectively screened from the adjoining premises and/or public right-of-way.

751. Farmers Market

751.1 Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only, and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

751.2 Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage areas may be provided for the storage of privately owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially zoned land and adjoining roads and is located behind the minimum front yard setback line. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.

752. Golf Course / Country Club

752.1 Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Article 6.9.

752.2 Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

752.3 No public address system is permitted except where such system will not be audible at any residential property line.

753. Heliport

Heliports may be permitted, including the construction of runways and landing pads, provided that plans for such construction shall be approved by the Federal Aviation Administration and that such construction will not interfere with the comprehensive plan for the area which may be affected by it, nor create any hazards or inconvenience in presently developed areas. Except in the event of an emergency helicopter landings shall be permitted only at approved heliports.

754. Kennels

754.1 Lot Area. Five acres minimum.

754.2 Setbacks. All buildings, dog runs, fenced enclosures and similar structures shall be located at least 100 feet from all property or street lines.

754.3 All boarding areas shall be completely within an enclosed building.

754.4 All outdoor running areas shall be fenced in a manner that restricts access and provides for a full enclosure.

754.5 The applicant shall furnish credible evidence that any and all other State and/or Federal approvals have been obtained or that none are required prior to the application for any permit authorizing the erection or use of any structure or land for a kennel.

754.6 The applicant shall furnish credible evidence of an effective and recognized acceptable manner for the disposal of animal waste and carcasses.

754.7 The owner/operator shall be responsible to exercise reasonable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt or odor.

755. Micro-Breweries

755.1 No storage of materials, equipment and/ or supplies shall occur outdoors.

755.2 No drive-through facilities shall be constructed and/or conducted.

756. Nursing Homes

756.1 Storage of gases must be in areas made inaccessible and secure by the construction offences.

756.2 The location of access points shall be properly suited to the safe operation of emergency vehicles.

756.3 Access shall be available at a minimum of two (2) locations.

756.4 Suitable areas shall be provided for trash storage, which are so designed as not to be visible from a public street. The trash storage areas must allow for safe, easy removal of the trash.

757. Parks and Playgrounds

Use shall be a permitted special exception use subject to the following minimum standards and criteria:

757.1 A minimum site of one (1) acre shall be required.

757.2 All principal structures shall be located at least forty (40) feet from any property lot.

757.3 Parking shall be provided in accordance with Article 8 of this Ordinance.

757.4 Screening by Buffer yard, as defined by this Ordinance, shall be provided along all lot lines adjoining residential use or zoning district classification.

757.5 All lighting shall be shielded from adjacent streets and properties.

757.6 The use shall comply with the performance standards of Article 6.15.

757.7 Any facility located within two hundred (200) feet of a property line adjoining a residential use or zoning classification shall cease operations at 12:00 Midnight.

758. Personal care homes or centers

758.1 Ingress and egress points must be located in safe and proper locations.

758.2 The use shall be served by a public sewage system.

758.3 The use shall be served by a public water supply system.

758.4 Landscaped buffer of fifty feet (50 ft) shall be established along each side and rear yard area, in accordance with the design specifications of the Greenfield Township Subdivision and Land Development Ordinance as amended.

758.5 The Township may attach certain conditions to its approval in order to preserve and protect the character of the zoning district and the health, safety and welfare of the public.

758.6 The applicant shall demonstrate that all applicable Federal, State, County and Township licenses or certifications have been obtained.

758.7 All portions of a facility shall be provided with an automatic fire suppression system.

758.8 The minimum gross floor area for institutional dwelling units shall be two-hundred fifty (250) square feet per person.

758.9 The use shall not provide any services to nonresidents of the home, other than providing meals for employees or visitors to residents of the facility.

759. Places of Worship

All such uses shall be located on a public street which shall have a pavement width of not less than 20 feet, and they shall maintain a minimum 10-foot wide landscaped strip in accordance with the provisions of Article 6.9 on all property lines abutting residential districts and all residential streets. Such uses shall not be located or designed in such a manner as would be detrimental to the privacy, convenience and property values of nearby residential development.

760. Public and Semi-Public buildings and uses

760.1 All buildings must be a minimum of 20 feet from the rear lot line.

760.2 There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.

760.3 Any such use shall be located on a street having a pavement width of at least 30 feet, or shall be able to provide access without causing heavy traffic on local residential streets.

760.4 Applicants shall prove that such uses proposed to be located in residential districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.

761. Recreational Facilities, Private

761.1 Such uses shall include golf courses, ice-skating rinks, ski areas, swimming pools, tennis courts and other similar uses.

761.2 Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Article 6.9.

761.3 Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.

761.4 No public address system is permitted except where such system will not be audible at any residential property line.

761.5 Private swimming pools, permanent and portable, which shall be accessory to a principal non-commercial dwelling use shall be regulated as follows; except that these regulations shall not apply to portable swimming pools which shall be not more than 3 feet in height nor more than 15 feet in length.

761.501 May be erected only on the same zone lot as the principal structure.

761.502 Shall be distant not less than ten (10) feet from all property lines and shall not be located within a required front yard.

761.503 The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.

761.504 The swimming pool, or entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties, said wall or fence to be not less than six (6) feet in height and maintained in good condition. The terms "wall or fence" above shall not be construed to mean the side wall of an above ground pool. Above-ground pools with an attached fence or deck/fence combination are exempt from the above regulation, if;

a. The fence is equipped with a gate that can be closed when the pool is not in use; and

b. The height of the fence above the entrance level of the pool is not less than thirty (30) inches.

761.505 All pumping, cleaning, filtering, and screening devices and water supply and discharge shall be of a type and source approved by local and/or State Health Department authorities.

761.6 Drive-in Theaters shall be subject to the following regulations:

761.601 Situated on a minimum zone lot of ten (10) acres.

761.602 The screen shall be obscured from public streets.

761.603 Lights shall be reflected away from adjoining property and streets.

761.604 The sounds directly appurtenant to the visual presentations at such theaters shall not be audible at the boundary line of any R-District.

761.605 Only one-way interior vehicular circulation.

761.606 Surface drainage shall be such that will not subject adjoining properties or streets to damage.

761.607 Any activity that is conducted at such theater shall not be closer to any Residential District than 500 feet, except where topographic considerations make such requirements excessive or unnecessary.

761.608 Areas of access and egress shall be not less than 24 feet in width, and shall be designed in such a manner so as to preclude the potential traffic hazards on adjacent rights-of-way caused by vehicles entering and leaving the establishment.

762. Recreation Facilities, Public

762.1 All buildings must be a minimum of 20 feet from the rear lot line.

762.2 There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.

762.3 Any such use shall be located on a street having a pavement width of at least 30 feet, or shall be able to provide access without causing heavy traffic on local residential streets.

762.4 Applicants shall prove that such uses proposed to be located in Residential Districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.

763. Sawmills and Planning Mills

763.1 Access drives shall comply with the following:

763.101 All access drives shall be designed and located so as to permit the following minimum sight distances measured from a point at least ten (10) feet behind the curb line or edge of cartway of an intersecting public street. No sight obstructions shall be permitted which are greater than three (3) feet or less than ten (10) feet above the street surface.

763.102 All access drives serving the site shall have a paved minimum thirty-five (35) foot wide cartway for a distance of at least two hundred (200) feet from the intersecting street right-of-way line. In addition, a fifty (50) foot-long gravel section of access drive should be placed just beyond the preceding two hundred foot (200) paved

section to help collect any mud that may have attached to a vehicle's wheels;

763.103 In general, access drives shall intersect public streets at ninety degrees (90°) as site conditions permit, however, in no case shall access drives intersect public streets at less than seventy degrees (70°). Said angle shall be measured from the centerline of the street to the centerline of the access drive.

763.2 An overall Circulation Plan as prepared by a professional traffic engineer designating proposed traffic routes within the Township associated with the land use.

764. School, Pre-Kindergarten

Such uses shall be situated on a zone lot of not less than one (1) acre, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Article 6.9. Such uses shall provide evidence of all required State approvals.

765. School, Primary and Secondary

In any residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.

766. Sewage Treatment Plant

766.1 All areas at the use other than alleys, drives and screening shall be set back a minimum of 250 feet from any property line.

766.2 Hazardous areas shall be enclosed by a fence suitable to prevent unauthorized people from gaining access to such areas.

766.3 The actual area of sewage treatment shall not be established in a floodway, floodway fringe or approximated floodplain.

766.4 The potential for noise, fumes and dust shall be evaluated by the Board of Supervisors and a finding shall be made that no surrounding properties will be adversely affected by noise or fumes associated with the use.

767. Shooting Range, Outdoor

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

767.1 Setbacks

767.101 All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this article. This shall not apply to structures on the same parcel as the shooting range.

767.102 All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this article. This shall not apply to structures on the same parcel as the shooting range.

767.2 Safety Design

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

767.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Article 6.15 of this Ordinance unless more restrictive standards are required by the Township as a condition of approval.

767.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 8:00 PM and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

767.5 Fence

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

767.6 Posting

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

767.7 NRA. State and Federal Regulations

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

768. Stables

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

768.2 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 articles of this Ordinance and other applicable standards are met.

768.3 Number of Horses- No more than ten (10) horses are kept with the exception that one (1) additional horse may be kept for each additional one (1) acre of land in excess of the minimum acreage required above.

768.4 Fences- All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.

768.5 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

768.6 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. 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

768.7 Trails- Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.

768.8 Nuisances -The commercial stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

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

768.901 Breeding, raising, keeping and sale of horses, and necessary buildings and structures.

768.902 Training of horses, and necessary buildings and structures, including facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property and any public or private road right-of-way.

768.903 Boarding of horses, and necessary buildings and structures.

768.904 The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.

768.905 Sale of horses other than the horses raised or boarded on the premises.

768.10 Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:

768.1001 Commercial horse racing. (See definition of "private recreation facilities")

768.1002 Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.

769. Studios

769.1 There shall be no exterior display or sign (except as permitted in the regulation of signs in this Ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building. In order to minimize conflict with surrounding residential neighborhood activity, an artisan workplace/sales area shall occupy a structure which is residential in character.

769.2 As regulated by the Ordinance's Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.

769.3 Under no circumstances shall an artisan workplace/sale be interpreted to permit a commercial stable or a dog kennel, automobile sales, small engine repair shop, donut shop, or any occupation where the principal activity involves sales offered across the counter.

769.4 Sound proofing shall be constructed on any wall that is shared with adjacent land uses. A delivery and storage plan shall be submitted: the plan shall be subject to Township review and approval in order to minimize potential conflicts associated with circulation of surrounding uses.

770. All other residential uses not otherwise listed

770.1 The impact of the proposed use on the adjacent properties, surrounding neighborhood, and/or environment shall remain equal to or less than any use specifically listed in the same Zoning District.

770.2 Any use shall be in conformance to the dimensional standards of the District.

771. Compost Facility

771.1 Compost structures shall be set back at least five (5) feet from all property lines.

771.2 Organic materials must be located in a defined area (such as a composting pad) or bin through the use of brick or cement block; wood and/or wire mesh; or bins or drums made of plastic or metal.

771.3 Standard composting practices, as outlined in the Department of Environmental Protection's Permit # WMGM017, are required, including, but not limited to, providing adequate air circulation and moisture to prevent combustion and objectionable odors to adjacent properties.

771.4 Drainage. The compost site shall be operated in a manner which prevents the drainage of water or leachate onto any neighboring property and protects against the attraction of rodents or other pests.

771.5 Prohibited materials. Composting activities may not include meat, bones, fat, oil, whole eggs, dairy products, plastics, synthetic fibers, diseased plants, or human, cat, or dog wastes or other such materials determined by the Township.

772. Landfill

No authorization for a building permit shall be granted by the Board of Supervisors, including incinerator, in any District where authorized, unless the Board shall first make the following determinations and, unless otherwise regulated by the Commonwealth of Pennsylvania, the Department of Environmental Protection, and/or any other applicable entities, the following conditions apply:

772.1 That the site for such use and the characteristics of such use have been duly inspected and officially approved by the Pennsylvania Department of Environmental Protection.

772.2 That a written report on the adequacy of the site for the proposed use shall be submitted to the Board.

772.3 That the use does not cause or create detrimental effects on the environment by reason of the emission of odor, dust, smoke, noise, vibration, or excessive light beyond the limits of its lot.

772.4 That the use does not dispose of waste material on or into the ground in such a condition or manner as to cause contamination of surface and subsurface water and cause conditions under which rodents and vermin are encouraged to live and breed.

772.5 Solid Waste Material Permitted at Facilities. No facility shall accept materials inconsistent with the Solid Waste Management Act, as amended, and/or the PA Department of Environmental Protection.

772.6 Environmental Assessment. All proposed facilities shall prepare and submit to the Township an Environmental Assessment and shall fully comply with

the regulations of the Pennsylvania Department of Environmental Protection.

772.7 Such Environmental Assessments shall also include a traffic study and plan which shall comply with the following requirements:

772.701 Any facility located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.

772.702 Any facility located adjacent to a State Highway shall comply with all regulations of the Pennsylvania Department of Transportation.

772.703 The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any hospital, residential home, commercial, retail establishment, public school, or religious institution.

772.704 The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

772.8 Storage of waste.

772.801 All solid waste facilities, including transfer stations and staging areas, which store the solid waste at any stage prior to disposal at an approved facility shall maintain the aforesaid solid waste within a completely enclosed building. Storage of materials supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted unless the aforesaid motor vehicles, truck trailers or other containers shall be stored within a building in accordance with the following provisions.

772.802 All municipal solid waste is brought to the site shall be removed from the site by the end of business on the date that it is brought to that site, notwithstanding and DEP regulations which would allow said municipal waste to remain thereon for a longer period of time; provided, however, that not more than one (1) loaded or partially loaded vehicle may be stored overnight in an enclosed building for a period of not more than eighteen (18) hours. Hazardous waste, infectious waste, and/or residual waste as classified by DEP shall not be disposed of at a facility. Such wastes shall not be stored overnight in the Township except as otherwise provided herein.

772.803 Facility operators shall be responsible for the cleanup of the facility's road entrance and surrounding area, throughout the work period, with a final cleanup at the conclusion of the work period.

772.9 Screening, Fencing and other Security Requirements

772.901 All facilities shall be completely enclosed by a litter fence. The fence shall be fully enclosed with slats to a height of not less than ten (10) feet for the purpose of retaining all litter waste within the confines of the site. The erection of said fence shall be completed within six (6) months after the issuance of license for a facility. A locked gate system shall be installed on the property so as to prevent any and all illegal dumping which may take place on site and its surroundings. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. Such a fence shall not be located closer than two hundred (200) feet to any property line. In cases where natural vegetation is not adequate to screen the facility from view from adjoining properties or roads, a dense evergreen planting to effect such screening shall be provided and maintained by the applicant in accordance with a planting plan submitted by the applicant and approved by the Township.

772.902 An evergreen buffered area shall be provided outside of the litter fence, but on the same property. Such natural vegetation shall be designed to act as a visual screen against the site from all adjoining landowners.

772.903 Security guards shall be placed at the site for the purposes of control against illegal dumping.

772.904 Location Restrictions. After the effective date of this ordinance no facility shall be located closer than seven hundred and fifty (750) feet to an existing public right-of- way or property line; residential structure existing at the time of adoption of this ordinance; public, semi-public, or institutional use; or commercial or recreational facility.

772.905 Vector Control All facilities shall establish a vector control program designed to eradicate all rodent problems at the subject site and on surrounding sites. A description of the planned vector control program shall be submitted with all applications for facilities.

772.10 Water Quality

772.1001 Treatment and Disposal of Effluent. The facility shall provide for treatment and disposal of all liquid effluent and discharges generated by the facility due to storage, washing or other processes used in processing the solid waste. The facility must provide for treatment of all leachate and all other liquid effluent and discharge, unless a sewage treatment facility exists on a site which is approved by the Pennsylvania Department of Environmental Protection, and all leachate and/or liquid discharge will be transported from the site at regular intervals so as not to cause a hazardous situation at the site, and such leachate shall be removed from the site pursuant to any and all applicable ordinances of Greenfield Township, regulations of the Pennsylvania Department of Environmental Protection and any and all other applicable statutes or ordinances.

772.1002 Monitoring Water Quality. The owner of any solid waste disposal facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted in accordance with the Department of Environmental Protection testing requirements as set forth in the Pennsylvania Code for water quality monitoring and ground water assessment. The results of these tests shall be provided to the Township. In the event that the facility as defined in this article shall not comply with the regulations as set forth herein, water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred feet of any area for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two samples shall be collected; one sample shall be taken from the stream at a point above the facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, any well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Governing Body, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the solid waste disposal facility shall cease operation until such time as the sources of the contamination have been identified and corrected.

772.1003 Treatment of Stormwater. All stormwater collected on-site which is exposed to and/or contaminated by solid or residual waste shall be treated by the facility's wastewater treatment system. Stormwater which does not come in contact with the on-site solid or residual waste shall be handled by the facility stormwater management plan which must specifically provide that said water is segregated from exposure to the solid or residual waste located at the facility. Parking of trucks loaded with solid waste which have not been properly cleaned and washed shall only be permitted in buildings, handling areas or parking areas in which containment of spillage, leakage or other contaminants is provided.

772.11 Alternative Requirements. If the facility is maintained in accordance with the requirements of the Pennsylvania Department of Environmental Protection, then in lieu of the requirements of this article, the operator of the facility shall submit to the Township Zoning Officer duplicate copies of all applicable permits, reports required by the permits, and any action taken permittee related to the permit.

773. Lumber Mill

773.1 A Circulation and Safety Plan shall be submitted for review and approval.

773.2 An Hours of Operations Plan associated with delivery, transport, and operations shall be submitted for review and approval.

773.3 All site access shall be immediately adjacent to and occur on a State-owned road.

774. Medical Marijuana Dispensary Facility

774.1 A dispensary facility must be owned and operated by a legally registered dispensary in the commonwealth and possess a current and valid medical marijuana permit from the PA Department of Health pursuant to the Act.

774.2 A dispensary facility may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

774.3 A dispensary facility may not operate on the same site on which a grower/processor facility is located.

774.4 A dispensary facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana, all of which shall be in accordance with the Act.

774.5 Permitted hours of operation of a dispensary facility shall be 8:00 a.m. to 8:00 p.m. (of the same calendar day).

774.6 A dispensary facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of medical marijuana, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area of the dispensary facility.

774.7 A dispensary facility shall:

774.701 Not have a drive-through service;

774.702 Not have outdoor seating areas;

774.703 Not have outdoor vending machines;

774.704 Prohibit the administering of, or the consumption of, medical marijuana on the premises; and

774.705 Not offer direct or home delivery service.

774.8 A dispensary facility may dispose only medical marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of the PA Department of Health.

774.9 A dispensary facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.

774.10 A dispensary facility shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/ processor facility or academic clinical research centers and the specific dispensary facility they serve, or with which they partner.

774.11 Any medical marijuana facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.

774.12 All external lighting serving a dispensary facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.

774.13 Parking requirements will follow the parking schedule for medical and dental offices including outpatient clinics.

774.14 A buffer planting is required where a dispensary facility adjoins a residential use or district as applicable.

774.15 Entrances and driveways to a dispensary facility must be designed to accommodate the anticipated vehicles used to service the facility.

774.16 The dispensary facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Ordinance.

774.17 Any and all other provisions contained in the Act affecting the construction, use and operation of a dispensary facility.

775. Medical Marijuana Grower/ Processor

In addition to all requirements of the Commonwealth of Pennsylvania, a traffic impact study shall be performed and certified by a professional engineer that identifies peak hour impacts and all applicable remediation measures associated with the corresponding roadways.

776. Solar, Utility Scale

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be permitted only in the districts as provided by the Schedule of Uses.

776.1 Purposes. To 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.

776.2 Permits, Use Regulations

776.201 Permits - A permit shall be required for every solar power facility installed in the Township.

776.202 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.

776.203 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:

a. 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.
b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
c. 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.

776.3 Standards and Design

776.301 Height- Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.

776.302 Parcel Size; Setbacks: Lot Coverage

a. The parcel shall be of such size that all required setbacks are satisfied.
b. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet.
c. 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.

776.303 Fencing - A fence may be required around the facility or portions of the facility for safety reasons.

776.304 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.

776.305 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.

776.306 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.

776.307 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.

776.308 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.

776.309 Historic Structures - A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.

776.310 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.

776.311 Uniform Construction Code -To the extent applicable, the solar power facility shall comply with the Pennsylvania uniform Construction Code.

776.312 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.

776.313 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.

776.314 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.

776.315 Transmissions and Power Lines – On-site transmission and power lines shall, to the greatest extent possible, be placed underground.

776.316 Stray Voltage/Electromagnetic Fields (EMF) -The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.

776.317 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.

776.318 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.

776.4 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.

776.5 Decommissioning

776.501 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.

776.502 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.

776.503 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.

776.504 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.

776.505 Financial Security Bond - The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than $50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within one hundred eighty (180) days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.

776.506 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.

776.507 Landowner Responsibility- If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.

776.508 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.

776.509 Release of Decommissioning Funds – The escrow 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.

777. Oil and Gas Facilities

777.1 Review Period. The review period for complete submissions shall not exceed thirty (30) days for principal permitted uses and one hundred twenty (120) days for conditional uses.

777.2 Oil and Gas Well and Pipeline Location Assessment. Oil and gas well and pipeline location assessment shall be a principal permitted use in all Districts.

777.3 Oil or Gas Well Development.

777.301 Nonresidential Districts - Oil and gas well development shall be principal permitted uses in Districts as specified in Article 4.3.

777.302 Residential Districts - Oil and gas well development shall not be permitted where the well head is less than five hundred (500) feet from an existing building. Where permitted in Districts:

a. Well development shall not be located so that the outer edge of the well pad is less than three hundred (300) feet from an existing building.

b. The required setback of three hundred (300) feet shall not apply to the placement, use and repair of oil, and gas pipelines, water pipelines, access roads or security facilities.

777.4 Oil and Gas Pipeline. Oil and gas pipelines shall be principal uses in Districts as specified in Article 4.3.

777.5 Oil and Gas Fluid Storage/ Impoundment. Oil and gas fluid storage/impoundment shall be a permitted use in Districts as specified in Article 4.3. However, in no case shall the edge of any fluid storage/impoundment area be less than three hundred (300) feet from an existing building.

777.6 Natural Gas Compressor Stations. Natural gas compressor stations shall be considered an accessory use and the following shall apply:

777.601 Setback-The natural gas compressor building shall be located not less than seven hundred and fifty (750) feet from the nearest existing building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and

777.602 Noise -The noise level of the natural gas compressor station does not exceed a noise standard of sixty (60) dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

777.7 Natural Gas Processing Plant. Natural gas processing plants shall be considered an accessory use and the following shall apply:

777.701 Setback- All facilities of the natural gas processing plant shall be located not less than seven hundred and fifty (750) feet from the nearest existing building or two hundred (200) feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and

777.702 Noise -The noise of the natural gas processing plant level does not exceed a noise standard of sixty (60) dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

778. Vehicle/ Equipment Sales Operation

All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the district.

778.1 The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.

778.2 Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other

similar activities shall be conducted in accord with the applicable standards for relevant uses.

778.3 Only vehicles with current license and current registration waiting to be repaired, serviced, or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than one (1) vehicle per one hundred (100) square feet of building area outdoors, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.

778.4 No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.

778.5 All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.

778.6 No vehicles shall be stored in any required setback areas.

8. Parking and Loading

8.1 Required number of parking spaces.

Sr. No.	Uses	No. of Minimum Parking as per use
1	Residential	2 per dwelling unit
2	Temporary Living	1.1 per bedroom
3	Agribusiness and related	1 employee per maximum shift
4	Commercial (Light)	1 per 100 sq. ft. of gross floor area open to public
5	Commercial (Heavy)	1 per 200 sq. ft. of gross floor area open to public
6	Institutional	1 per 4 seats
7	Industrial (Light)	1 per 600 sq. ft. of gross floor area
8	Industrial (Heavy)	1 per 2 employees on maximum shift or 1 per 1,000 sq. ft. of gross floor area (whichever is greater)
9	Recreation, Open Space	As per Township

8.2 General regulations.

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

8.3 Standards for off-Street Parking and Off-Street Loading.

831. Number of Spaces to be Provided.

831.1 Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.

831.2 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.

831.3 Additional parking for the handicapped shall be provided in accord with Article 836.

831.4 Should the applicant provide evidence that the number of parking spaces required by this Article 8 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this Article 8 and the applicant shall agree in writing to install the parking at the direction of the Township Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See Article 848).

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

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

833. 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:

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

Width	**1-Way Use**	**2-Way Use**
Minimum	12 ft.	20 ft.

Maximum	35 ft.	50 ft.

833.2 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.

833.3 Highway Occupancy Permit. A Township or State highway occupancy permit, as applicable, shall be required for any new or escalated access to any public street or any other regulated activity within the right-of-way.

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

835. Parking for Residential Use. Off-street parking shall be provided in accord with this Article 8 for all residential uses in all Districts.

836. Handicapped Parking.

836.1 Number of Spaces. Any lot including four (4) or more off-street parking spaces shall include a minimum of one (1) handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is established under the Federal Americans with Disabilities Act (ADA).

Total # of Required Spaces on Parking Lot	**Required Minimum # / % of Handicapped Parking Spaces**
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

836.2 Location. Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.

836.3 Minimum Size. Each required handicapped parking space shall be a minimum of eight (8) feet by eighteen (18) feet. In addition, each space shall

be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. One (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.

836.4 Slope. Handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions in accord with ADA requirements.

836.5 Marking- All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

837. Parking of Commercial Vehicles.

837.1 Purpose. To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.

837.2 Storage of Commercial Vehicles.

837.201 Definitions. For the purposes of this Article, the following terms shall have the following meanings:

a. Commercial Vehicle - A motor vehicle that has a gross vehicle weights of greater than six thousand (6,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material.)

b. Tractor of a Tractor-Trailer - A truck with a minimum of three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.

c. Trailer of a Tractor-Trailer - A commercial vehicle with a length of twenty (20) feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."

837.202 Commercial Vehicles in TD-2 Districts and on Residential Properties.

a. In a TD-2 District and on residential properties, a maximum of two (2) “commercial vehicles" (as defined above) may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in an TD-2 (District or on a residential

property shall have a gross vehicle weight of over fifteen thousand (15,000) pounds if parked outside of an enclosed building.

b. In a TD-2 District or on a residential property, the engine of a tractor of a tractor-trailer shall not be idled for more than ten (10) minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.

c. No trailer of tractor-trailer shall be parked, stored, maintained or kept in the front yards of a property located in TD-2 District or on a residential property.

d. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.

837.203 Exceptions - This article does not apply to the following, provided they are in an operational condition:

a. Municipally-owned vehicles.

b. Ambulance, fire and rescue vehicles.

c. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship.

d. Recreational vehicles - a maximum of two (2).

e. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority.

f. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area.

g. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.

h. Equipment and vehicles clearly primarily intended for agricultural use.

i. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.

8.4 Design and Layout of Off-Street Parking and Loading Facilities.

841. Size and Design of Parking Spaces. Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations, The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not In the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.
842. Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.
843. Public Right-of-Ways. Parking, loading and unloading of vehicles shall not be permitted on public rights-of-way, except in designated areas and in accord with Township parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.
844. Parking Between Principal Structure and Road. Refer to Article 691.201.
845. Setbacks. All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from the any public road right-of-way or adjoining property lines by a buffer area not less than fifteen (15) feet in width unless adjoining uses share parking in accord with Article 848.
    - 845.1 Measurement. The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development If no curbs will be provided.
    - 845.2 Uses Prohibited. The buffer area shall be maintained in natural vegetative ground cover and shall not include:
        - 845.201 Paving except for approved driveway/access way crossings
        - 845.202 Fences
        - 845.203 Parking, storage or display of vehicles
        - 845.204 Items for sale or rent
    - 845.3 Uses Permitted - The buffer area may include the following:
        - 845.301 Permitted freestanding signs
        - 845.302 Pervious storm water facilities
        - 845.303 Approved driveway/access way crossings

845.4 Sidewalks. If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the paving.

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

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

848. Joint Use Parking. In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required in Article 845. The standards in Article 8.1 for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)

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

849.1 Buffer Areas. The buffer area between the parking area and the public street required by Article 845 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure or a non-commercial district.

849.2 Parking Lot Interiors. Refer to Article 691.202.

849.3 Plants. Plant species shall be of a type proven suitable to local soil and climate conditions, and which are resistant to disease, road salt and air pollution as determined by the Township. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants. Refer to additional criteria as listed under Article 6.

849.4 Plan. A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township.

9. Signs

9.1 Purpose and applicability.

Signs may be erected, reconstructed and maintained only when in compliance with the following provisions and the Building Code of the Greenfield Township.

911. Intents and Purpose.
Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the Township area without difficulty and confusion, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intent of this Ordinance to establish regulations governing the display of signs which will:
911.1 Promote and protect the public health, safety, comfort, morals, and convenience.
911.2 Enhance the economy and the business and industry of the area by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public.
911.3 Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
911.4 Reduce conflict among signs and sign lighting and between public and private signs, and;
911.5 Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

9.2 Sign Regulations according to Districts

921. Residential Uses. For all residential uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted use.
921.1 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:
921.101 Type - Building name and address signs may be either wall signs or ground signs.
921.102 Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or

more streets, additional such signs, one (1) oriented to each a butting street, shall be permitted.

921.103 Area - Building name and address signs shall not exceed four (4) square feet in gross surface area for exposed face, nor exceed an aggregate gross surface area of eight (8) feet.

921.104 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 from a zoning lot 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.

921.105 Height- Building name and address signs shall not project higher than fifteen (15) feet for wall signs and seven (7) feet for ground signs, as measured from base of sign or building to which the sign is to be affixed or grade of the nearest adjacent roadway whichever is higher.

921.2 Residential Development Signs. Residential development signs indicating only the name of the development, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

921.201 Type - The residential development signs shall be ground signs.

921.202 Number - There shall not be more than two (2) residential development signs for each point of vehicular access to a development.

921.203 Area - Residential development signs shall not exceed twenty (20) square feet in gross surface area.

921.204 Location - Residential development signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

921.205 Height - Residential development signs shall not project higher than seven (7) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

921.3 Exempt Signs. Exempt signs as specified in Article 936 of this Ordinance.

921.4 Temporary Signs. Temporary signs as specified in Article 937 of this Ordinance.

922. Commercial and Manufacturing Uses. For aII commercial and manufacturing uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted use:

922.1 Commercial and Manufacturing Use Signs - Commercial and manufacturing use signs, other than those subject to special conditions in later parts of this article, shall be subject to the following:

922.101 Wall Signs.

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

b. Area -The gross surface area of a wall sign shall not exceed ten (10%) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The gross surface area of a wall sign may be increased by twenty (20%) percent, except that the gross surface of the sign shall not exceed sixty-four (64) square feet, if such wall sign;

i. consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed; and

ii. if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

c. Location -A wall sign may be located on the outermost wall of any principal building, but shall not project more than sixteen (16) inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.

d. Height -A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen(15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

e. Special Conditions - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.

922.102 Ground Signs.

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

922.103 Awning, Canopy, and Marquee Signs.

a. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an aggregated gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this Ordinance, as specified in Article 936.
b. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed twenty-four (24) square feet, but limited to not more than fifty (50%) percent of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is affixed.
c. Height - Any awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

922.104 Roof Signs. Roof signs shall not be permitted.

922.105 Attraction Boards.

a. Type - Attraction Boards shall be ground signs.
b. Number - Each retail/wholesale commercial premise may erect a single attraction board identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the retail/wholesale commercial premises on which the attraction board is to be located.
c. Area - The gross surface area of a retail/wholesale commercial premises attraction board shall not exceed ten (10) square feet in gross surface area for each exposed face, nor exceed twenty (20) square feet in aggregate gross surface area.
d. Location - A retail/wholesale commercial premise attraction board may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from any zoning lot to a public roadway.
e. Height- If the attraction board is separate from the main ground pole sign, the attraction board may not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher. The attraction board shall be separated by a minimum of twelve (12) inches from the main ground pole sign.
f. Items of Information -The information displayed by an attraction board, which is in compliance with the foregoing requirements, shall not be treated as items of information as otherwise specified in Article 931 and 932.

922.106 Billboards and Off-Premises Signs.

a. Number- One (1) billboard or off-premises sign may be erected, constructed, or maintained on any premises in an TD-10 District on a lot which contains no other use or principal structure, and only in accord with the criteria in this article.
b. Spacing - An off-premises sign or billboard shall not be closer than five hundred (500) feet to another off-premises sign or billboard along the same side of any street or highway.
c. Spacing at Intersections - An off-premises sign or billboard shall not be located within fifty (50) feet of any street intersection.
d. Location - An off-premises sign or billboard shall only be permitted in the TD-10 District. The sign shall be located in

accordance with the yard setbacks for structures located in the general commercial zoning district.

e. Height - An off-premises sign or billboard shall not project higher than twenty-two (22) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.

f. Site Plan - An application for an off-premises sign or billboard shall be accompanied by a site plan and contain all of the applicable requirements as required by this Ordinance.

g. Engineering Certification - Any applications for an off-premise sign or billboard shall be accompanied by certification under seal by a Professional Engineer that the existence of the off-premises sign or billboard, as proposed, shall not present a safety hazard.

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

922.201 Wall Sign.

a. Number - There shall not be more than one (1) wall sign for each principal tenant or use contained in a shopping center except that where a tenant or use abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

i. consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface to which the sign is to be affixed; and

ii. if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters; or

b. Area - The gross surface area of a wall sign shall not exceed ten (10%) percent of the tenant's or user's proportionate share of the building wall to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller,

i. if such wall sign consists only of individual, outlined, alphabetic, numeric, and/or symbolic characters without background except that provided by the building surface

to which the sign is to be affixed; and if illuminated, such illumination is achieved through shielded illumination, shielded silhouette lighting, or shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters; or

ii. when all wall signs located in the shopping center utilize lettering and background uniform in style and coloring.

c. Location -A wall sign may be located on the outermost wall of any principal building, but shall not project more than sixteen (16) inches from the wall to which the sign is to be affixed.

d. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

922.202 Ground Signs.

a. Number - There shall not be more than one (1) ground sign for each shopping center.

b. Area - The gross surface area of a ground sign shall not exceed a maximum of one (1) square foot of gross aggregate surface area for each one and one-half (1) lineal feet of front footage of the lot not to exceed one hundred (100) square feet of gross aggregate surface area.

c. Location - A ground sign may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.

d. Height- A ground sign shall not project higher than fifteen(15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

e. Directory Signs - Each shopping center ground sign may include affixed directly to it a directory indicating only the names of the tenants of the shopping center in which the sign is to be located. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face, nor exceed an aggregate gross surface area of twenty (20) square feet for each tenant located in the shopping center in which the sign is to be located. The information displayed by a shopping center directory sign, which is in compliance with

the foregoing requirements, shall not be treated as items of information as otherwise specified in Article 932.

922.203 Awning, Canopy and Marquee Signs

a. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an aggregate gross surface area of twenty-four (24) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this Ordinance as specified in Article 936.

b. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed twenty-four (24) square feet, but limited to not more than fifty (50%) percent of the gross surface area of the smallest face of the awning, canopy, or marquee to which such sign is to be affixed.

c. Height - An awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.

922.204 Attraction Board.

a. Type - Shopping center attraction boards shall be ground signs.

b. Number - Each shopping center may erect a single attraction board identifying special, unique, limited activities, services, products, or sale of limited duration occurring within the shopping center in which the attraction board is to be located.

c. Area - The gross surface area of a shopping center attraction board shall not exceed thirty-two square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of sixty-four square feet.

d. Location - A shopping center attraction board may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from any zoning lot to a public roadway.

e. Height - If the sign is separate from the main ground pole sign, a shopping center attraction board shall not project higher than fifteen (15) feet, as measured from the base of sign or grade of the nearest adjacent roadway, whichever is higher. If the attraction board is part of and mounted on the main ground pole sign, the attraction sign shall be separated by a

minimum of twelve (12) inches from the main shopping center sign.

f. Items of Information - This information displayed by a shopping center attraction board, which is in compliance with the foregoing requirements, shall not be treated as items of information as otherwise specified in Article 932.

923. Multiple Uses - Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install, in addition to the ground sign permitted by Article 922.102 a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area of the building.

924. Wood Relief Sign Area Bonus-Ground signs permitted under Article 922.102 (Commercial and Manufacturing Uses) and Article 922.202 (Shopping Centers) shall be eligible for an increase in size of fifty (50) percent provided:

924.1 Signs shall be wood or simulated wood relief only with external illumination.

924.2 Signs shall be designed as an integral architectural element of the building and component of the site.

924.3 Sign colors, materials, and lighting shall be restrained and compatible with the building and site.

924.4 Signs shall not exceed a height of fifteen (15) feet.

925. Electronic Message Signs. Electronic message signs shall be permitted only in the TD-5 District.

925.1 Types of Signs

924.101 In the TD-5 District the following types of signs, as otherwise permitted by this Chapter, may be an electronic message sign:

a. Individual business attraction board (Article 922.105).

b. Individual freestanding business identification sign (Article 922.102).

c. Shopping center and multiple occupant business freestanding identification sign (Article 922.202 b).

d. Shopping center and multiple occupant business attraction board (Article 922.204).

e. Service island identification sign (Article 926)

924.102 An off-premises advertising sign or billboard as governed by Article 922.106 may be an electronic message sign.

925.2 Standards- In addition to the other applicable requirements of this Chapter, electronic message signs shall comply with the following:

925.301 One Sign - Only one (1) electronic message sign shall be permitted per development parcel. If the sign structure has two (2) sign faces, each sign face may be an electronic message sign.

925.302 Size-The electronic message sign shall not exceed eighty (80) percent of the maximum allowable size of a non-electronic message sign of the same type.

925.303 Message Display

a. Motion - Electronic message sign motion shall be limited to the transition from one message to another. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion.
b. Transition - Transitions for electronic message signs shall fade and content shall not change more than once every eight (8) seconds with a transition time not exceeding one (1) second.
c. Continuation - The images and messages displayed shall be complete on display without continuation in content to the next image or message or to any other sign.
d. Projection - Images or messages projected onto buildings or other objects shall be prohibited.

925.304 Luminance - Electronic message signs shall not 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.

a. Maximum - Electronic message signs shall have a maximum luminance of 5,000 nits during daylight hours. During the nighttime, such signs shall be limited to a maximum luminance of 150 nits.
b. Dimmer Control-All electronic message 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.
c. Light Trespass - Electronic message signs shall comply with the light and glare requirements of Article 6158. The maximum light trespass limit at the boundary line of TD-1, TD-2, and TD-5 Districts and permanent open space shall be 0.1 foot-candles, and 1.0 foot-candles at property lines.

d. Measurement - Surface luminance measurements shall be made directly with a calibrated luminance meter in accord with manufacturer's specifications. 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.

e. Certification - 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.

925.305 Height - The electronic message sign shall not exceed the maximum allowable height of a non-electronic message sign of the same type.

925.306 Structural Support- No more than one digital sign or billboard may be installed on a single structural support; that is, signs shall not be stacked vertically or horizontally.

925.307 Automatic Shut-Off- The controls for the sign shall include a safe programming to freeze the static image or turn off the sign in the case of a malfunction to prevent a violation of ordinance provisions.

925.308 Emergency Messages- The applicant shall be required to coordinate and permit message access from local, regional, state and national emergency services during emergency situations and such messages shall not be required to conform to the message standards in this Article 925.

926. Service Island Identification Signs. Service island identification signs at gasoline service stations indicating the type of service offered, the price of gasoline and other relevant information or direction to persons using the facility, but containing no advertising material of any kind, shall be subject to the following:

926.1 Type - Service island identification signs may be either wall signs or ground signs.

926.2 Number-There shall not be more than one (1) service island or identification sign for each service or pump island located on the premises.

926.3 Location-Service Island identification signs may be located on the outermost wall of any principal building, on the pumps, or within the area of a service island.

926.4 Area -The gross surface of a service island identification sign shall not exceed six (6) square feet for each exposed face, nor exceed an aggregate gross surface of twelve (12) square feet.

926.5 Height-A service island identification sign shall not project higher than fifteen (15) feet, as measured from the base of sign or building to which the sign is to be affixed or the grade of the nearest adjacent roadway, whichever is lower.

926.6 Special Conditions -The information displayed by a service island identification sign which is in compliance with the foregoing requirements shall not be treated as items of information as specified in Articles 931 and 932.

9.3 General Regulations

931. Basis of Which Signs are Regulated - The display of signs in the Township is hereby regulated on the basis of the following factors:

931.1 The type of activity displaying the sign; and

931.2 The following four (4) design features:

931.201 the type of sign

931.202 the area of the sign

931.203 the height of the sign

931.204 the location of the sign

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

932. Items of Information Allowed

932.1 General Rules. Subject to the requirements of all other provisions of this Ordinance, each exposed face of a sign shall contain no more than eight (8) items of information. However, if the name of the occupant of the premises on which the sign is to be affixed contains more than eight (8) items of information, the name may be displayed on each exposed face of a sign, provided no other information is displayed on such sign.

932.2 Certain Information Not Counted. In calculating items of information, the following shall be excluded;

932.201 Letters nineteen (19) inches or less in height which are carved into, or securely attached to a building in such a way that they are an architectural detail of the building; provided that the letters are not illuminated apart from the building, are not made of a reflective material, do not contrast sharply in color with the building, and do not exceed a thickness of one (1) inch; or

932.202 That information pertaining to the date of erection, the sign permit number, the sign permit expiration date, and the voltage of any electrical apparatus to be used in connection with the sign on which it is to be displayed as specified herein.

933. Illumination. All signs permitted by this Ordinance may be illuminated, provided that the provisions of this article are strictly complied with.

933.1 Reserved.

933.2 Illumination of Buildings, Structures and Areas

933.201 The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage area is prohibited except;

a. during the month of December for areas in which Christmas trees are offered for sale;
b. on a temporary basis for areas in which carnivals, fairs, or other similar activities are held;

933.202 A building or other structure may be illuminated, but all lighting used for this purpose must be designated, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.

933.3 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.

934. Construction Specifications. All permanent signs permitted by this Ordinance shall be constructed in accordance with the provisions of this article.

934.1 Obstruction to Exit- No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

934.2 Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.

934.3 Clearance from Electrical Power Lines and Communication Lines -All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.

934.4 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.

934.5 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.

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

935.1 "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in Article 937 of this Ordinance.

935.2 Banners and Pennants - Banners, pennants, streamers, balloons, and other gas-filled figures, except as a temporary sign, are provided for in Article 937 of this Ordinance.

935.3 Animated, Moving and Flashing Signs - Signs which are animated, flash, blink, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including, but not limited to, automatic, electronically controlled copy changes (except as permitted in Article 925), search lights, strobe lights and disco balls; 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 Ordinance.

935.4 Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in Article 937 of this Ordinance.

935.5 Projecting Signs-Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.

935.6 Signs and Parked Vehicles - Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby.

935.7 Signs on Trees - Signs which are attached or otherwise affixed to trees or other living vegetation.

935.8 Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

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

936.1 Awning, Canopy, and Marquee Signs - Signs, not exceeding an aggregate gross surface area of four (4) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.

936.2 Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two (2) square feet for each exposed surface and four (4) square feet aggregate gross surface area.

936.3 Directional or Instructional Signs -Signs, not exceeding four (4) feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such sign 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.

936.4 Non-Commercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.

936.5 Governmental Signs -Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or

safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties.

936.6 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.

936.7 Interior Signs - Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater.

936.8 Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

936.9 Name and Address Plates - Signs, not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.

936.10 No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet.

936.11 Parking Lot Directional and Instructional Signs

936.1101 Directional Signs - Signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.

936.1102 Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured

from the established grade of the parking area(s) to which such signs are accessory.

936.12 Patron Advertising Signs - Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of thirty-two (32) square feet of gross aggregate surface area. Sponsors advertising on score boards may not exceed twenty-five percent (25%) of the surface area of the score board.

936.13 Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four (4) square feet in aggregate gross surface area.

936.14 Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties.

936.15 Public Signs - Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be on any type, number, area, height, location, or, illumination as required by law, statute, or ordinance,

936.16 Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles and/or trailers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.

936.17 Symbols or insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face not exceeding four (4) square feet in aggregate gross surface area.

936.18 Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four (4) square feet in gross surface area for each exposed face not exceeding an aggregate gross surface area of eight (8) square feet on each machine.

936.19 Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

937. Temporary Signs. Temporary signs may be erected and maintained in accordance with the provisions contained in this Article 937.

937.1 General Conditions

937.101 Permit Required - No person shall erect, construct, repair, alter, or relocate within the Township any temporary sign, except real estate and temporary construction signs, without first obtaining a permit from the Zoning Officer.

937.102 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.

937.103 Illumination - Temporary signs may be illuminated, subject to Article 933.

937.104 Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs as defined herein.

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

937.201 Number- There shall not be more than two (2) permits for temporary business signs issued for the same premises within one (1) calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed thirty (30) days and shall be removed within three (3) days of the termination of the activity, service, project, or sale. Or, alternatively, a temporary business sign permit may be applied for a maximum of five (5) times during one (1) calendar year for the same premises; each permit shall be issued for a maximum of seven (7) days. It is expressly stated that temporary business sign permits shall be issued under one method or alternative and that the methods may not be used jointly or in combination during any one (1) calendar year.

937.202 Area

a. Residential Areas- In residential areas, temporary business signs shall not exceed two (2) square feet in gross surface area for each exposed face not to exceed an aggregate gross surface area of four (4) square feet.
b. Non-Residential Areas - In non-residential areas, temporary business signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of thirty-two (32) square feet.

937.203 Location - Temporary business signs shall be located only upon the zoning lot upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.

937.204 Height

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

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

937.301 Number - There shall not be more than one (1) temporary, construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

937.302 Area

a. Residential Areas - In residential areas, temporary construction signs shall not exceed eight (8) square feet in gross surface area for each exposed face, not exceeding an aggregate gross area of sixteen (16) square feet.

b. Non-Residential Areas- In non-residential areas, temporary construction signs shall not sixteen (16) exceed square feet in gross surface area for each exposed face, not exceeding an aggregate gross surface of thirty-two (32) square feet.

937.303 Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.

937.304 Height - Temporary construction signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

937.305 Special Conditions - Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

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

937.401 Number, Area, Height, and Location -The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign may exceed sixteen (16) square feet for each exposed surface or thirty-two (32) square feet in gross surface area. Any temporary event sign shall not be permitted to extend over or onto a public right-of-way.

937.402 Timing-Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event.

937.403 Limit on Number of Permits - No more than two (2) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.

937.5 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:

937.501 Location - On private property, temporary political signs may be located in any required yard, bust shall not be attached to any tree.

937.502 Height - Temporary political signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

937.503 Timing- Temporary political signs may be erected or maintained for a period not to exceed sixty (60) days prior to the date of the election to which such signs are applicable and shall be removed within seven (7) days following such election. The candidate is responsible for aII political signs of candidates of the party if they are located in the public right-of-way.

937.504 Removal - Prior to the erection of any political signs in any public right-of-way, the political candidate or the candidate's representative shall obtain from the Zoning Officer a permit for the general erection of said signs in the Township. The applicant shall also provide, along with the permit application fee, a refundable bond, letter of credit or other financial guarantee to provide for the removal of the signs following the subject election. Said fee and guarantee amounts and terms shall be as established by resolution of the Board of Supervisors.

937.6 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:

937.601 Number- There shall be not more than one (1) temporary real estate sign for each zoning lot except that where a lot abuts two (2) or more streets, additional signs, one (1) oriented to each abutting street, shall be permitted.

937.602 Area

a. Residential Areas - In all residential areas, temporary real estate signs shall not exceed six (6) square feet in gross surface area of twelve (12) square feet.

b. Non-Residential Areas - In non-residential areas, temporary real estate signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face, nor exceed an aggregate gross surface area of thirty-two (32) square feet.

937.603 Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway.

937.604 Height- Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

937.605 Special Conditions - Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.

937.7 Temporary Yard or Garage Sale, Open House, or Auction Signs - Temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:

937.701 Number- There shall not be more than three (3) temporary yard or garage sale signs for each location of a sale.

937.702 Area - In all zoning districts no temporary yard or garage sale signs shall exceed four (4) square feet in size.

937.703 Location - Temporary yard and garage sale signs may not be located within the street or road right-of-way. No sign may be placed on a utility or municipality owned pole or structure. Any temporary yard or garage sale signs shall be self-supported and shall not create a public hazard.

937.704 Height- Temporary yard or garage sale signs shall not exceed thirty (30) inches in height.

937.705 Timing - Temporary yard or garage sale signs may be erected no sooner than seven (7) days before the sale and must be removed no later than three (3) days after the sale. No temporary yard or garage sale signs shall remain erected for a period longer than ten (10) days.

938. Non-Conforming Signs.

938.1 Legal, Non-Conforming Signs - Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be

continued in operation and maintained indefinitely as a legal non-conforming sign subject to compliance with the requirements of Article 938.2.

938.2 Maintenance and Repair of Legal Non-Conforming Signs - Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50%) percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.

939. Removal of Certain Signs.

939.1 Non-Conforming Signs - If the Zoning Officer shall find that any non-conforming sign, except for those legal non-conforming signs as specified in Article 938 is displayed, he shall give written notice to the owners, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten (10) days after receipt of the notice from the Zoning Officer. If such sign is not removed after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

939.2 Obsolete Signs - Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within ninety (90) days upon the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

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

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

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

10. Nonconformities

10.1 Intent and Applicability.

1011. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.

1012. A lawful nonconforming use, structure, or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this article and subject to the following criteria and standards:

1012.1 The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.

1012.2 The alteration or extension does not constitute the addition of a new nonconforming use or structure.

1012.3 The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.

1012.4 The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.

10.2 Nonconforming Uses.

1021. Expansion of Nonconforming Residential Uses.

An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:

1021.1 The number of dwelling units is not increased;

1021.2 The expansion meets all applicable setbacks;

1021.3 No new types of nonconformities are created; and

1021.4 A nonconformity is not made more severe (including the building area within the required setback area).

1022. Expansion of Nonconforming Nonresidential Uses.

A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

1022.1 An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 11.4.

1022.2 Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

1022.3 The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be increased by greater than 50% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.

1022.4 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.

1023. Abandonment of Nonconforming Uses.

If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.

1024. Nonconforming Outdoor Storage Activities.

If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more, or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.

1025. Change from One Nonconforming Use to Another.

1025.1 Once changed to a conforming use, such use shall not revert to a nonconforming use.

1025.2 A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:

a. Traffic generation (especially truck traffic);
b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, 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.

1026. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this article on nonconformities.

10.3 Nonconforming Structures.

1031. Reconstruction or Expansion of Nonconforming Structures.

1031.1 The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:

1031.101 Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and

1031.102 Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.

1031.2 In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this article regarding nonconforming uses.

1032. Damaged or Destroyed Nonconforming Structures.

1032.1 A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.

1032.2 Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this article.

1032.3 Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

1033. Abandonment of Nonconforming Structures. If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.

1034. New Construction and Building Permits.

1034.1 New Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1034.2 Building Permits and Nonconformities.

When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit.

10.4 Nonconforming Lots of Record.

1041. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1041.1 Has a minimum width of 100 feet measured at the minimum building setback line;

1041.2 Has a minimum lot area of 0.5 acres;

1041.3 Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this article or for which a variance is granted; and

1041.4 Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger.

1042. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less

nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of Greenfield Township.

10.5 Registration of Nonconformities.

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

11. Zoning Hearing Board

11.1 Organization and expenditures.

1111. Organization.

1111.1 The Greenfield Township Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided.

1111.2 The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of Greenfield Township and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of Greenfield Township. The Zoning Hearing Board shall submit reports of its activities to the Greenfield Township Board of Supervisors when requested.

1112. Membership, Terms, and Vacancies.

The membership of the Zoning Hearing Board shall consist of five (5) residents of Greenfield Township appointed by the Greenfield Township Board of Supervisors by resolution. Their terms of office shall be five (5) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Greenfield Township Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in Greenfield Township.

1113. Removal of Members.

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by majority vote of the Greenfield Township Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

1114. Appeals and Applications to the Zoning Hearing Board.

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

1114.1 The name and address of the applicant;

1114.2 The name and address of the owner of the real estate involved in the appeal;

1114.3 A brief description and location of the real estate involved in the appeal;

1114.4 A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;

1114.5 Reference to the article or articles of this Ordinance under which the appeal or application is filed; or, reference to the article or articles of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;

1114.6 An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;

1114.7 A plot plan of the involved real estate as required to accompany applications for permits; and

1114.8 An application fee, in an amount as established from time to time by resolution of the Greenfield Township Board of Supervisors, payable to Greenfield Township.

1115. Conduct of Hearings.
The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Article 11 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

1116. Expenditures for Services.
Within the limits of funds appropriated by the Greenfield Township Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Greenfield Township Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Greenfield Township Board of Supervisors.

11.2 Jurisdiction and functions.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1121. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the Greenfield Township Board of Supervisors;

1122. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;
1123. Appeals from a determination by the Greenfield Township Engineer or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
1124. Applications for variances from the terms of this Ordinance;
1125. Applications for uses by special exception under the terms of this Ordinance; and
1126. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance.

11.3 Variances.

1131. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:
    1131.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot 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 lot is located;
    1131.2 That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;
    1131.3 That such unnecessary hardship has not been created by the appellant;
    1131.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and
    1131.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

1132. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

1133. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building, permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

11.4 Uses by Special Exception.

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the Community's adopted Comprehensive Plan, and in accordance with the provisions set forth in Article 7. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in Article 7.4. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

11.5 Hearings and decisions.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

1151. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.

1152. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the

Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter such request on an appearance form provided by the Zoning Hearing Board for that purpose.

1153. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.

1154. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.

1155. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.

1156. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.

1157. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.

1158. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.

1159. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.

1160. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Greenfield Township, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.

1161. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of

the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an appeal is made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

1162. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.

1163. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

1164. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.

1165. Where the Zoning Hearing Board fails to render the decision within the period required by this article or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.

1166. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from

the last day it could have met to render a decision in the same manner as provided in this article . If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this article shall prejudice the right of any party opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.

1167. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

11.6 Parties appellant before the Board.

Appeals under Article 11.3 and 11.4, may be filed in writing with the Zoning Hearing Board by:

1161. The landowner affected;
1162. Any officer or agency of the Greenfield Township; or
1163. Any person aggrieved.

11.7 Mediation.

1171. Parties to proceedings authorized in this article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article once they have been formally initiated. Nothing in this article shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
1172. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Greenfield Township, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
    1172.1 Funding mediation;
    1172.2 Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
    1172.3 Completing mediation, including time limits for such completion;
    1172.4 Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is

written consent by the mediating parties, and by an applicant or decision-making body of the Greenfield Township, if either is not a party to the mediation;

1172.5 Identifying all parties and affording them the opportunity to participate;

1172.6 Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and

1172.7 Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

1173. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

11.8 Time Limitations.

1181. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Greenfield Township officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.

1182. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

11.9 Appeals to Court and Other Administrative Proceedings.

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

12. Amendment Procedure

12.1 Amendments.

1211. Zoning Ordinance Amendments.

The Greenfield Township Board of Supervisors may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

1212. Zoning Map Amendments (Rezoning).

1212.1 Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the Greenfield Township's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Community's adopted Comprehensive Plan.

1212.2 Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

1212.201 Statement of existing and proposed base and overlay zoning districts;

1212.202 Conceptual site development plan;

1212.203 Topographic survey;

1212.204 Site conditions report;

1212.205 Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;

1212.206 Off-street parking projections (number of parking spaces) available on site;

1212.207 A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;

1212.208 Other related studies that the Borough of Jermyn may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:

i. Traffic impact study;

ii. Fiscal impact analysis;
iii. Density comparison between existing and proposed zoning districts; and/or
iv. Geotechnical/stormwater analysis.

1212.3 Landowner Curative Amendments. Refer to Article 12.8.
A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to Greenfield Township a curative amendment, any fees established by resolution of the Greenfield Township, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The Greenfield Township Board of Supervisors shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

1212.4 Municipal Curative Amendments.
If the Greenfield Township Board of Supervisors determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).

12.2 Public hearing.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

12.3 Review by Planning Commission.

1231. Review of Rezoning Applications.

1231.1 The Zoning Officer will:

1231.101 Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the applicant. A completed application and packet will be forwarded to the Greenfield Township and Lackawanna County planning commissions for review;

1231.102 Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and

1231.103 Submit a written recommendation to the Planning Commission and the Greenfield Township Board of Supervisors, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Community's adopted Comprehensive Plan;

1231.2 As part of the rezoning approval process, the Greenfield Township Board of Supervisors and Planning Commission can consider the motivation and implications of each plan, analysis, and report.

1231.3 The Planning Commission will:

1231.301 Consider any projected beneficial and/or detrimental effects on the Greenfield Township and hold a public hearing on the application, if deemed applicable; and

1231.302 Forward to the Greenfield Township Board of Supervisors a recommendation for the nature of action regarding rezoning.

1231.4 The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the Greenfield Township Board of Supervisors and Planning Commission.

1231.5 The Greenfield Township Board of Supervisors will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

12.4 Review by County Planning Agency.

1241. A completed application and packet will be forwarded to the County planning commissions for review by the Zoning Officer.

1242. The County Planning Commission shall review such requests and provide comments as necessary to the Board of Supervisors and Township Planning Commission.

1243. All steps for the processes shall be completed in accordance with the Pennsylvania Municipalities Planning Code (MPC) requirements.

12.5 Opportunity to be heard.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Article 11 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

12.6 Enactment of amendment.

The Board of Supervisors may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

12.7 Copy to County Planning Agency.

All copies for the ordinance and amendments must be provided to the County Planning Agency in accordance with the Pennsylvania Municipalities Planning Code (MPC).

12.8 Curative amendments.

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that their challenge and proposed amendment be heard and decided on as provided in §609.1 and §916,1 of the Pennsylvania Municipalities Planning Code.

13. Administration and Enforcement

13.1 General procedure.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the Greenfield Township to review said applications for full compliance with the provisions of this and other applicable ordinances. The Greenfield Township reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

13.2 Zoning permit.

1321. Zoning Permits.

1321.1 A zoning permit shall be required prior to:

1321.101 A change in use of land or structure;

1321.102 The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding $500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;

1321.103 The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;

1321.104 The alteration or development of any improved or unimproved real estate; and

1321.105 The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

1321.2 No zoning permit shall be required for the following:

1321.201 The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than $500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay, regardless of cost;

1321.202 Ordinary repair to existing structures, except signs;

1321.203 Light fixtures for single-family and two-family dwellings complying with the provisions of Article 6.15

1321.204 Sidewalks or walkways on grade;

1321.205 Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;

1321.206 Handrails along sidewalk or walkway steps;

1321.207 Access drives;

1321.208 Parking spaces for dwellings having three (3) or fewer dwelling units;

1321.209 Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;

1321.210 Vegetation, including trees, landscaping, and vegetative buffering;

1321.211 Landscaping materials, excluding patios, decks, and porches;

1321.212 Decorative lawn ornaments and walls not exceeding 32 inches in height;

1321.213 Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;

1321.214 Stormwater management facilities;

1321.215 Traffic control devices located within a public right-of-way or governmental easement;

1321.216 Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;

1321.217 Railroad sidings;

1321.218 Public transit stops involving surface improvements only;

1321.219 Signs specifically exempted from permit; and

1321.220 Temporary construction buildings or trailers as permitted in Article 8.6.

1321.3 A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:

1321.301 All applicable regulations of this Ordinance;

1321.302 Any conditions imposed upon the site by the Greenfield Township Zoning Hearing Board or the Greenfield Township Board of Supervisors; and

1321.303 Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of Greenfield Township.

1321.4 Application Procedures.

1321.401 Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.

1321.402 An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.

1321.403 The Zoning Officer may consult with or call upon other Greenfield Township staff and/or Greenfield Township-appointed consultants in the review of submitted materials for applications.

1321.404 Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the Greenfield Township Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.

1321.405 The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this article in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.

1321.406 No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the Greenfield Township Board of Supervisors, is paid to the Greenfield Township. The payment of fees under this article shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this

article but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Greenfield Township Board of Supervisors shall be doubled to reflect the additional expense incurred by the Greenfield Township resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

1321.407 In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this article, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.

1321.408 An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.

1321.409 The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.

1321.410 The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.

1321.411 All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.

1321.5 General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

1321.501 The actual dimensions and shape of the lot to be developed;

1321.502 The exact location and dimensions of any structures to be erected, constructed, and/or altered;

1321.503 Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;

1321.504 The location and number of off-street parking and loading spaces;

1321.505 Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;

1321.506 Alteration or development of any improved or unimproved real estate;

1321.507 Two (2) copies of any approved highway occupancy or driveway permits;

1321.508 Any supplementary information required as a condition for use or development in the Floodplain Overlay as detailed in Article 5.2;

1321.509 Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and

1321.510 Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.

1321.6 Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

1321.601 A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;

1321.602 A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;

1321.603 A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or noxious matter or radiation;

1321.604 Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;

1321.605 The proposed number of shifts to be worked and the maximum number of employees on each shift; and

1321.606 Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

1322. Certificates of Use and Occupancy.

1322.1 It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.

1322.2 The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.

1322.3 The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.

1322.4 The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.

1322.5 Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months, unless an extension of the temporary permit has been requested from and granted by the Zoning Officer.

1322.6 A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the Greenfield Township or which abuts upon a street which has been paved with a base wearing course.

1322.7 The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.

1322.8 If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.

1323. Building Permits.

1323.1 Building permit administration shall be governed by provisions of the current building code adopted by Greenfield Township; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.

1323.2 The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a

zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.

1323.3 The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

13.3 Zoning Officer.

It shall be the duty of the Zoning Officer to:

1331. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 10;

1332. Initiate enforcement proceedings;

1332.1 Receive all fees to the Greenfield Township as required by this Ordinance and to post a schedule of fees in the Greenfield Township Municipal Building;

1332.2 Receive complaints and notify persons of violations of the provisions of this Ordinance;

1332.3 Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;

1332.4 Present to the Greenfield Township Board of Supervisors, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;

1332.5 Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of the Greenfield Township Board of Supervisors and other Greenfield Township officials;

1332.6 Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and

1332.7 To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Greenfield Township Board of Supervisors.

13.4 Planning Commission.

The Greenfield Township Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Greenfield Township Board of Supervisors in the administration of this Ordinance and the adopted subdivision and land development regulations of Greenfield Township.

1341. Membership.

1341.1 The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of Greenfield Township. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Greenfield Township.

1341.2 The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.

1341.3 When any vacancies occur, the chairman of the Planning Commission shall promptly notify the Greenfield Township Board of Supervisors, upon which a member of the Greenfield Township Board of Supervisors shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

1342. Duties.

The Planning Commission shall, at the request of the Greenfield Township Board of Supervisors, have the power and shall be required to, at the request of the Greenfield Township Board of Supervisors:

1342.1 Represent the Greenfield Township in the development of Community's adopted Comprehensive Plan and any future comprehensive plan;

1342.2 Maintain and keep records of its actions, which shall be in the possession of the Greenfield Township Board of Supervisors;

1342.3 Make recommendations to the Greenfield Township Board of Supervisors concerning adoption or amendment of an official map;

1342.4 Prepare and present to the Greenfield Township Board of Supervisors a zoning ordinance and make recommendations to the Greenfield Township Board of Supervisors on proposed amendments to it; and

1342.5 Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

13.5 Nonconforming use registration.

Refer to Article 10.

13.6 Enforcement; violations and penalties.

1361. Causes of Action. In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Greenfield Township Board of Supervisors or an officer of the Greenfield Township, with the approval of the Greenfield Township Board of Supervisors, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon Greenfield Township at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the Greenfield Township Board of Supervisors. No such action may be instituted until such notice has been given.

1362. Enforcement Notices.

1362.1 If it appears to the Greenfield Township that a violation of this Ordinance has occurred, the Greenfield Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.

1362.2 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

1362.3 An enforcement notice shall be in writing and shall state at least the following:

1362.301 The name of the owner of record and any other person against whom the Greenfield Township intends to take action;

1362.302 The location of the property in violation;

1362.303 The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;

1362.304 The date before which the steps for compliance must be commenced and the date before which the steps must be completed;

1362.305 A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and

1362.306 A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

1362.4 In any appeal of an enforcement notice to the Zoning Hearing Board, the Greenfield Township shall have the responsibility of presenting its evidence first.

1362.5 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Greenfield Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

1363. Penalties and Remedies.

1363.1 District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.

1363.2 Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Greenfield Township, pay a judgment of not more than $500, plus all court costs, including reasonable attorney fees incurred by Greenfield Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Greenfield Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

1363.3 The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

1363.4 Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than the Greenfield Township the right to commence any action for enforcement pursuant to this Ordinance.

13.7 Appeal from Zoning Officer.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1371. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-deist order or the registration or refusal to register any nonconforming use, structure, or lot;
1372. Appeals from a determination by the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
1373. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
1374. Appeals from any determination of the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

13.8 Public hearings and notice.

1381. All procedures shall be completed in compliance with the PA Municipal Planning Code and Article 11.5 of the Ordinance.
1382. Rehearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
1383. Publication, Advertisement and Availability of Ordinances
All processes related to the Amendments for the ordinance shall be completed in compliance with the Pennsylvania Municipal Code (MPC).

13.9 Filing fees.

1391. The Greenfield Township Board of Supervisors shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.

1392. The schedule of fees shall be available in the Greenfield Township Municipal Building.
1393. All such fees shall be payable to Greenfield Township.
1394. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.