

OVERFIELD TOWNSHIP

WYOMING COUNTY, PENNSYLVANIA

ZONING ORDINANCE

**DRAFT
NOVEMBER 2023**

GUIDE TO USING THIS ZONING ORDINANCE

- ☛ **Contact the Zoning Officer** to ensure you have the latest version of the Zoning Ordinance and Zoning Map and to help you find the required information.
- ☛ The **Table of Contents** should help you find the sections applicable to your situation.
- ☛ The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses** in Article 4.
- ☛ The **Schedule of Uses** in Article 4 lists all of the uses allowed in each district.
- ☛ The **Schedule of Uses** in Article 4 also classifies all of the uses allowed in each Zoning District.
 - ☛ **Principal Permitted Uses** and **Accessory Uses** - action by the Zoning Officer.
 - ☛ **Conditional Uses** - review by Planning Commission, action by Board of Supervisors. (See §1108)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1108)
- ☛ The requirements for **Permit Applications** are found in §1102.
- ☛ The **Schedule of Development Standards** in Article 4 sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article 3 provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article 5 includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations and Off-Street Parking**.
 - ☛ Article 6 governs **Residential Uses** -- conservation design, two-family dwellings, group homes, etc.
 - ☛ Article 7 includes performance standards for **Commercial and Manufacturing Uses**.
 - ☛ Article 8 includes standards for **Specific Uses** ranging from the keeping of animals to cell towers.
- ☛ **Signs** are governed by §505 and a business sign will probably require a permit.
- ☛ Applications for **Variances** are heard by the Zoning Hearing Board. The application must document *unnecessary hardship* and meet all of the applicable criteria in §1107.1.
- ☛ A legally existing use which predates the Zoning Ordinance and which does not comply with the Ordinance is a **Nonconforming Use**. Commonly referred to as *grand-fathered*, the nonconformity runs with the land and the use can continue and be sold. Such uses can also be expanded within the limits set in Article 9. Nonconforming lots, lots which do not meet the minimum size and dimension requirements, can also be used if they meet the setback, water supply and sewage disposal requirements in §911.
- ☛ If a project involves the creation of a new lot or lots, the change of lot lines, or the erection of one or more new principal nonresidential buildings, the **Subdivision and Land Development Ordinance** will also apply. This ordinance is separate from the Zoning Ordinance.
- ☛ **Fees** are set by Resolution of the Board of Supervisors per §1103 and are shown on the **Fee Schedule** available from the Zoning Officer.

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

**ARTICLE 1
GENERAL PROVISIONS**

100 Adoption

The Overfield Township Zoning Ordinance of June 16, 2014, as amended, is hereby amended and restated in its entirety as hereinafter set forth.

101 Title and Short Title

101.1 Title

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

101.2 Short Title

This Ordinance shall be known and may be cited as the *OVERFIELD TOWNSHIP ZONING ORDINANCE*.

102 Purpose

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

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

encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.

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

103 Applicability

103.1 Existing Uses

Any legally established existing use of a building, structure, lot or parcel of land or part thereof, as of the effective date of this Ordinance may be continued.

103.2 Conformance

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

103.3 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the MPC, as amended.

103.4 Regulated Activities

- A. Any of the following activities or any other activity or matter regulated by this Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:
1. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
 2. Change in the type of use or expansion of the use of a structure or area of land; and/or,
 3. Creation of a lot or alteration of lot lines.
- B. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.
- C. No lot shall be formed from part of a lot already occupied by a building unless such building, all required setbacks and open spaces connected therewith, and the remaining lot conforms with all requirements prescribed by this Ordinance for the district in which said lot is located. No building permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this Ordinance.
- D. No 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.

103.5 Repairs and Maintenance

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

units or boarding house units; and/or 4) any other activity regulated by this Ordinance.

103.6 Municipal Authorities and Water Companies

A municipal authority, water company or any other municipality that plans to expand water, sanitary sewer or storm sewer service via a new main extension to a proposed development that has not received any municipal approvals within the Township shall:

- A. Notify the Township by certified mail, return receipt requested, of its intention and shall provide the Township an opportunity to provide written comment on whether the proposed expansion of service within the Township is generally consistent with this Ordinance.
- B. Comply with the other applicable requirements of §608.1 of the MPC.

103.7 Public Utility Commission

- A. This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- B. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

104 Interpretation

104.1 Interpretation

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

104.2 Conflict

A. Township Provisions

1. These regulations are not intended to interfere with or abrogate or annul any other Ordinance, rules or regulations previously adopted or previously issued by the Township which are not in conflict with any provisions of this Ordinance.
2. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control.

- B. Other Laws and Regulations - Whenever the provisions of any other law, regulation and/or statute require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings and/or structures or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Ordinance the provisions of such other law, regulation and/or statute shall govern.

C. Private Provisions

1. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance impose a greater restriction, the requirements of this Ordinance shall govern.
2. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or higher standards than the requirements of this Ordinance, then such private provisions shall be operative and supplemental to these requirements.

104.3 Specificity

Whenever any regulations pertaining to a specific use or activity under authority of this Ordinance require a greater width or size of yards, courts or other open space, or require a lower height of buildings and/or structures or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required for the zoning district or generally required under this Ordinance, the greater or higher standards shall govern.

105 Severability

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

106 Effective Date

This Zoning Ordinance shall take effect immediately upon its adoption.

ARTICLE 2
COMMUNITY DEVELOPMENT OBJECTIVES and GOALS

201 General Community Development Objectives

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

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

202 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 the Overfield 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 goals of all residents of the community will not be the same. Some residents will favor increased economic development, while other residents demand environmental protection. Some residents will demand more community facilities and services, while others prefer lower taxes. Some residents will strive for land use diversity,

while others would prefer to live in a bedroom community. One function of the community conservation and land use control process is to strike a balance between these varied expectations to meet the overall goals of the community.

The authors of Rural Environmental Planning for Sustainable Communities suggest that rural communities and residents of rural communities are characteristically unique from their more urban counterparts, and have the opportunity to directly mold their communities. They go on to say,

The rural community is seen as the conservator of its own resources, habitat, and culture. Local citizens are directly involved in the control of community assets as they plan for the retention, enrichment, and equitable use of those assets for present and future generations.

- 1. Rural people place a high value on self-reliance and self determination. They have experience with techniques for cultural and economic survival. They can make decisions regarding their long-term interests, design and carry out programs, evaluate the results of their work, and make necessary adjustments.*
- 2. Rural people value cooperation as a guide to problem solving. This attitude has evolved from generations of experience in rural living, where cooperation is a major tool of survival and community maintenance.*
- 3. Long-term sustainability of a rural environment is achieved when citizens guide economic development according to the "physical carrying capacities" of the ecosystem. Land ownership is valued not just for its market value but also for sustaining a way of life. Consideration of the ecosystem's physical carrying capacity assumes that, although efficiency of use can vary, physical and natural resources are finite and can bear only so much use.*
- 4. Increasing the self-reliance of citizens in rural communities can be the basis for sustainability. A self-reliant community possesses the knowledge, skills, resources, and vision to identify changing conditions, locate appropriate technical assistance, and initiate actions in a manner that conserves the rural environment and distributes benefits in an equitable manner.*

Along with the community's goals, specific objectives must be identified; actions and methods for achieving the goals. Some objectives will be the direct responsibility of local elected and appointed officials. Others will require the cooperation and participation of other levels of government and the private sector.

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.

GOAL 1

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

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. Lake Winola is the

focus of the higher density residential development and retail and service establishments located in the Township. 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 dairy 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. Open land was the cornerstone of the foundation of the area when its earliest settlers arrived, and has played a key role in the growth and development of the Township. Without this open land and the natural resources it offered the character of the Township would be dramatically different. Maintaining open land and the quality lifestyle associated with it is key to the economic future of the area. The extensive participation of the owners of larger properties in the agricultural district program and Act 319 Clean and Green preferential assessment program clearly documents 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.

Overfield 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 "open land" zoning to cluster residential development away from important natural, scenic and cultural features, and preserve the resulting open space.
- D. Encourage continued 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. Do not overly restrict agriculture with unnecessary zoning regulations.
- G. Evaluate, in cooperation with the Wyoming 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.
- H. Assure that adequate community facilities including sewage disposal and water supply are provided for new development.
- I. 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.
- J. Avoid the construction of growth inducing community facilities such as central water supplies and central sewage collection and treatment facilities which would encourage the development of areas with important natural, scenic and cultural features, and agricultural areas.

- K. 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.
- L. Limit heavy commercial uses and industrial uses by establishing performance standards to control noise; outdoor manufacturing, processing and storage; lighting; and other potential effects.
- M. 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.

GOAL 2

RECOGNIZE THE IMPORTANCE OF LAKE WINOLA TO THE CHARACTER, TAX BASE AND ECONOMY OF THE TOWNSHIP, ALONG WITH ITS RECREATIONAL IMPORTANCE TO THE REGION; AND TAKE THE NECESSARY ACTION TO SUSTAIN THIS ROLE.

Lake Winola has long been a recreational gem in the greater Scranton area, having been discovered in the late 1800's and early 1900's as a recreation mecca for affluent residents of the nearby City of Scranton. Lake Winola has evolved into a recreation community comprised of many vacation and primary homes situated on small lots, less than one-fourth acre, along the shoreline. Public access to the 200-acre Lake is provided by a Pennsylvania Fish Commission boat launch. Coupled with the enthusiastic recreation use of the Lake and the surrounding residential development was the gradual decline in water quality resulting from ineffective on-site sewage disposal systems. In 1988-1989, the Township completed the construction of a central sewage collection and treatment system which culminated years of planning for improved water quality. The system, limited in capacity to address only the immediate area of the Lake, has a capacity of 87,500 gallons per day, and discharges the treated effluent to the Susquehanna River, some three miles to the south of the Lake. Careful regulation of development around the Lake, and within its small (1,365-acre) watershed, is vital to the Lake's continued good water quality and recreational appeal. Increasing numbers of boats on the already busy lake present public health and safety concerns which must be addressed along with land use issues. Of particular concern are those types of businesses which would involve or encourage additional numbers of boaters to use the Lake.

Objectives:

- A. Use zoning to direct new commercial development around the Lake to areas where land is adequate to provide facilities necessary to support development (e.g., parking) and safeguards to protect the Lake (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 Lake.
- C. Provide standards to control the use of existing lots in the Lake Winola watershed to minimize negative effects on Lake water quality.
- D. Consider adopting use regulations applicable to Lake Winola 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.

GOAL 3**CONSERVE NATURAL RESOURCES AND OPEN SPACE IN OVERFIELD TOWNSHIP AND USE THE RESOURCES IN A WAY TO SUSTAIN THE AREA'S ECONOMY**

Exploitation of the 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, such as a density bonus, for the preservation of large sensitive areas such as prime agricultural land.
- E. Consider the use of "open land" zoning to cluster residential development away from important natural, scenic and cultural features, and preserve the resulting open space.

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 Tunkhannock areas 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.

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.

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.

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 fourteen 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.

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. Develop a road and intersection maintenance and capital improvements program.
- E. Maintain an up-to-date Township road ordinance setting standards for construction of public roads and establishing procedures for dedication to the Township.
- F. Actively participate in all County and PA DOT highway planning programs.
- G. Encourage intermunicipal cooperation as a means of addressing regional highway needs.
- H. 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.

- I. 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.

ARTICLE 3 DEFINITIONS

301 Rules of Construction and Definitions

The following rules of construction shall apply to this Ordinance:

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

302 Terms, Phrases And Words Not Defined

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004) or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

303 Definitions

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

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

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

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

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

Adult Business: Any of the following:

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

Additional definitions associated with *adult business* include:

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

Adult Bookstore or Adult Video Store: A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any 1 or more of the following:

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

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

depict or describe *specified sexual activities* or *specified anatomical areas*.

The term *adult bookstore* shall include but not be limited to an *adult video store*, and all such uses shall be considered an *adult business* for regulation by this Ordinance.

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

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

An *adult entertainment use or facility* shall be considered an *adult business* for regulation by this Ordinance.

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

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

An *adult motel* shall be considered an *adult business* for regulation by this Ordinance.

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

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

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

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

Massage: Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human

body with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.

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

Nude Model Studio: Any place, which is not excepted by §801, where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Considered an *adult business* for regulation by this Ordinance.

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

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

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

Specified Anatomical Areas: Any of the following:

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

Specified Sexual Activities: Any of the following:

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

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

products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

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

Agritourism Enterprise: Activities conducted in association with an agricultural operation and offered to the public or invited groups for the purpose of recreation, education, or active involvement in the operation. These activities must be directly related to agriculture or natural resources and incidental to the primary agricultural operation.

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

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

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

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

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

Antenna and Antenna Support Structure: Any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.

Antenna Height: The vertical distance measured from the base of the antennae support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antennae height.

Apartment Building: See *dwelling, multi-family*.

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

Archery Range, Indoor: An *archery range, indoor* shall be considered a *recreational facility, private* for the purposes of regulation by this Ordinance.

Archery Range, Outdoor: Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including but not limited to, target shooting ranges, and target shooting courses. Any such commercial operation, any such area operated by any private non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more

members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an outdoor archery range for the purposes of this Ordinance.

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

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

Automobile Rental Operation: An establishment which rents automobiles, but no other types of vehicles or equipment, to the general public and which does not include the sale or service of any vehicles on the premises. An *automobile rental operation* shall be considered a *vehicle and equipment rental operation* for the purposes of regulation by this Ordinance.

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

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

Banquet Hall: An establishment which is rented for private functions including, but not limited to, banquets, weddings, anniversaries and similar activities. It may or may not include kitchen facilities for the preparation or catering of food.

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

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

Betting Use: A use where lawful gambling activities are conducted, including but not limited to casinos and on-track and off-track para-mutual betting. This term shall not include facilities or establishments at which small games of chance are played, facilities participating in any lottery authorized by the Commonwealth of Pennsylvania, or any other games of chance permitted by Pennsylvania law as accessory to a commercial use. Excluded uses are regulated under the provisions applicable to the principal use of the property.

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

Board of Supervisors or Supervisors: The Board of Supervisors of Overfield Township, Wyoming County, Pennsylvania.

Boat Dock: See *water craft dock*.

Boat House: An accessory building at the water's edge in which boats are kept.

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

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

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

Building 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.

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. For the purposes of *building height*, *exposed* shall mean the point where any part of the building extends above the adjoining ground surface. (See §501.4.)

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

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

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

Campground or Recreational Vehicle (RV) Park: A plot of ground upon which two (2) or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles, and which and is not be used for long term occupancy or residency of occupants.

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

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

Cemetery: Land or buildings used for the burial of deceased humans or animals.

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

Club/Lodge, Private: An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that District and the requirements of that use are met.

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

Commercial Communication Device: Any structure or equipment which is intended for commercial or governmental use in transmitting or receiving television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subject of the zoning ordinance:

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

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

Commercial Communication Device Support Structure Height: The vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.

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

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

Commission: The Planning Commission of Overfield Township, Wyoming County, Pennsylvania.

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

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

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is minimized. (See §601.4 and §601.5.)

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

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

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

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

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

Convenience Store: A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

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

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

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

County: The County of Wyoming, Commonwealth of Pennsylvania.

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

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

Day Care, Adult: A use providing supervised care and assistance primarily to persons who are over age sixty (60) and not in good physical health, or who are suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of sixty (60) hours per week per person.

Day Care, Child: A use involving the supervised care of children outside of the children's own home primarily for periods of less than eighteen (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 (3) types of day care are permitted without regulation by Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of one (1) to three (3) children within any dwelling unit, in addition to children who are relatives of care giver. (See also the definition of *day care, adult*.)

- A. (Child) Day Care, as an Accessory Use - A type of *day care* use that provides care for six (6) or fewer children at one time who are not relatives of the care giver.
- B. (Child) Day Care Center, as a Principal Use - A type of *day care* use that provides care for seven (7) or more children at any one time who are not relatives of the primary operator.

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

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

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

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

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

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

Development Plan: A proposed development, prepared in accordance with this Ordinance and the 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.

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

Disturbance: See *earth disturbance activity*.

Disturbed Area: Any part of a lot or parcel which has undergone any earth disturbance activity. (See *earth disturbance activity*.)

Dock: See *watercraft dock*.

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

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

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

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

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

- A. Conversion Apartments: A new dwelling unit created within an existing building which creates three (3) or more units.
- B. 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.
- C. Townhouse: A multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls without openings.

- D. Apartment Building: 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.

Dwelling, Single-Family Detached: A building containing one (1) dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Two-Family: A building with two (2) dwelling units, either 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. (See also *multi-family project* for two-family dwellings in a multi-family project.)

Dwelling Unit: A single habitable living unit including a kitchen, sleeping facilities, and a separate bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

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

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

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

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

Estate Lot: 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.

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

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

- A. The term includes safety fuse, squibs, detonating cord and igniters.
- B. The term does not include the following:

1. Commercially manufactured black powder, percussion caps, safety and pyrotechnic fuses, matches and friction primers, intended to be used solely for sporting, recreational or cultural purposes in antique firearms or antique devices, as defined in 18 U.S.C.A. §921 (relating to definitions).
2. Smokeless powder, primers used for reloading rifle or pistol cartridges, shot shells, percussion caps and smokeless propellants intended for personal use.

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

Family: A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, step child, foster child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin;
- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children, step children or foster children related to either of them;
- D. Not more than eight (8) people who are residents of a group home meeting the requirements of §606.
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a functional family) pursuant to §611.

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; and
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

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

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.

Firewood Processing: Any facility or operation, other than sawmills, where trees or timber are refined into firewood for commercial purposes.

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

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

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

Floodplain: See §401.3.

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

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

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

Garden Apartment: See *dwelling, multi-family*.

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

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

Golf Course, Miniature: A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. A *golf course, miniature* shall be considered a *recreational facility, private* for the purposes of regulation by this Ordinance.

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. A *golf driving range* shall be considered a *recreational facility, private* for the purposes of regulation by this Ordinance.

Good Operating and Road-Worthy Condition: A vehicle having both a current and valid registration and current and valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania, or if lacking a registration and/or inspection sticker, is in full and complete working order and condition, but for not

having said current registration and inspection sticker could be safely and legally operated on a public roadway. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

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

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

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

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

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

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

Group Quarters: All buildings used primarily for the housing of persons non-related by blood or marriage including but not limited to dormitories, fraternities, sororities, and all other structures occupied by groups of persons sharing a dwelling. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and detention facilities, health facilities and any use specifically listed in a zoning district in Article 4 shall not be considered *group quarters*.

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

Heliport: An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage, including any such area accessory to a principal use. This

Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons.

- A. Heliport, Accessory - A heliport limited to a maximum total of fifteen (15) flights or take-offs in any 7-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public.
- B. Heliport, Commercial - A heliport that does not meet the definition of an *accessory heliport*.

Home Based Business: A commercial use conducted in association with a dwelling and carried on by the inhabitants residing therein and which goes beyond the scope of an home occupation as defined by this Ordinance. Home businesses may include professional practice (not limited to a single practitioner) of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses. Retail and service establishments, and light manufacturing shall also be permitted in accord with §503.3.2 of this Ordinance; however, proposed uses which do not meet the requirements of §503.3.2 shall not be permitted.

Home Occupation: 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 constructed 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 §503.3.1 of this Ordinance.

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

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

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. A *hospital* shall be considered a *health facility* for the purposes of regulation by this Ordinance.

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

Impervious Surface: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher as determined using accepted engineering practices with disputes decided by the Zoning Officer in consultation with the Township Engineer. Any coarse aggregate surface (coefficient of 0.85) shall be considered impervious.

Industrial Wastewater Treatment Facility: A facility not located on the same lot where the wastewater is generated which is used for treating and removing any harmful chemicals, compounds (including the flow back water and solutions used in the process of hydraulic fracturing for natural gas) nutrients, organics, solids,

radionuclides or other materials prior to being transported off-site for reuse or discharged into a stream or into the soil. Such a facility typically includes a multi-bay truck loading/unloading station, skim ponds for oil/water separation, water clarifiers, sludge dewatering facilities, reverse osmosis units, evaporators, chemical feed equipment, pumps and other appurtenances.

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

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

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

Junk shall not include:

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

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

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles if not screened. (See definition of *screened*.)
- B. The outside storage or deposit on a lot of three (3) or more abandoned or junked vehicles if screened. (See definition of *screened*.)
- C. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

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

Land Conservation Residential Development: A subdivision designed at the permitted dwelling unit density where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity. (See §601.)

Land Development: Any of the following activities:

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

The definition of land development shall not include:

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

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

Light Manufacturing: Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components,

fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

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

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

Livestock: Any animals raised or kept for any commercial purpose, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, fish, insects and fur bearing animals.

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

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

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.

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

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

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

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

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

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

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

Lot Width: The average horizontal distance between the side lot lines, measured parallel to the front lot line.

Major Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, subsurface mining and oil and gas wells) of minerals as defined in this Article

and including the incidental screening, washing, crushing and grading of materials originating on the site. *Major mineral extraction* shall not include:

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

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

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

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

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

A massage facility, therapeutic shall be considered a *service establishment* for the purposes of regulation by this Ordinance.

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

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

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

Mineral 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. It includes 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, but not any process typically conducted at a *pipeline compressor station, metering station or operation/maintenance facility*.

Minor Mineral Extraction: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of minerals as defined in this Article with an open face of ten thousand (10,000) square feet or less with a total disturbed area of less than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing, do not exceed one-hundred eighty (180) days in duration, and reclamation of the entire site is completed within one (1) year of the issuance of a zoning use permit. No oil or gas well shall be considered *minor mineral extraction*.

Mobile Food Service Operation: The preparation/cooking, serving and/or sale of food conducted from a portable stand, vehicle or trailer. Examples are food trucks and hotdog stands/carts.

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

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

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

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

Mobile Sales Operation: Sales from a portable stand, vehicle or trailer. Examples are flower and produce stands/carts.

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

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

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

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.

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

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

NOTE: See §902 for additional definitions applicable to nonconformities.

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

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

Nonconforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Ordinance fully in existence prior to the enactment of this Ordinance, as amended, reenacted and replaced.

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

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

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

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.

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

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

Parcel: See *lot*.

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

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

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

Permanent Foundation: A foundation meeting the requirements of the PA Uniform Construction Code.

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

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

Personal Care Home or Center: A residential use providing residential and support services primarily to persons who are over age sixty (60), and/or physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania.

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

Pipeline - All parts of those facilities through which a hazardous liquid or gas 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.)

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

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

Planning Commission: The Planning Commission of Overfield Township.

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

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

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

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession, including the following professions: accountant, architect, author, dentist, engineer, insurance agent landscape architect, lawyer, optometrist, planner, physician, realtor, and other such occupations.

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

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

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

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

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

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

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

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

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

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

Recreation Facility, Public: Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Township, County, school district, state, or federal government.

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

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

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

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

- A. Recyclable Collection Facility: A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
- B. Recyclable Collection Facility, Small: A recyclable collection facility which occupies an area of not more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) and may include mobile recycling units, kiosk type units which may include permanent structures and/or unattended containers placed for the deposit of recyclables.
- C. Recyclable Collection Facility, Large: A recyclable collection facility which occupies an area of more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) but not more than twenty thousand (20,000) square feet (including areas used for container or other recyclable storage, structure and parking and loading areas) and which may include permanent structures, and limited recyclable processing for shipment or preparation to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing,

mechanical sorting, shredding or cleaning or but not including the remanufacturing or conversion of recyclables to new products or raw materials used for new products.

- D. Recycling Unit, Mobile: An automobile, truck, trailer or van, licensed by the Department of Transportation which is used for the collection of recyclable materials, or the bins, boxes or containers transported by trucks, vans or trailers and which are used for the collection of recyclable materials.
- E. Recyclable Processing Facility: Any recycling facility which exceeds the area or processing limits of a large collection facility or which involves the remanufacturing or conversion of recyclables to new products or raw materials used for new products.

Related or Relative: See *family*.

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

Resort Facilities: Any use and accessory uses such as recreational facilities, health spas, and restaurants, directly associated with the lodging of tourists in a building(s) with a total of six or more rooms, including hotels, motels, and seasonal cottages but not including bed and breakfast establishments, camp grounds, recreational vehicle parks or mobile home parks.

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

Restaurant, Take-Out: An establishment that sells ready-to-consume food or drink where no seating or other provisions for consumption on the premises are provided.

Restaurant, Traditional: An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food from a waiter or waitress while seated inside a building and then the food is consumed at the table.

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

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

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

Sawmill: Any facility, including structures, machinery and associated equipment, where timber is sawed into boards. Any facility which includes the drying of boards in kilns or the fabrication of any product shall be considered *agricultural products processing*.

School, Public or Private, Primary or Secondary School: - An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded

educational programs. This term shall not include *trade schools* such as privately operated schools of trade, vocation or business.

Screened: Shielded or obscured from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

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

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

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

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

Sewage Disposal System: A system to collect, treat and dispose of sewage. No such system shall be permitted that does not comply with local, State and Federal requirements.

- A. Central, Community or Public Sewage Disposal: A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated, including sewage treatment plants, land application systems, and community sewage disposal systems. A system designed to serve a two-family dwelling or two (2) dwelling units located on the same property or adjacent properties shall not be considered as central sewerage for unit density determination, and in such a case all development standards, including but not limited to, unit densities, will apply the same for each dwelling or unit as any single-family unit.
- B. On-Lot or Individual Sewage Disposal: Any sewage disposal system (whether subsurface or above ground) used to treat and dispose of domestic sewage into the soil on an individual lot in accord with Pennsylvania Department of Environmental Protection Rules and Regulations.

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

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

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

Shooting Range, Indoor: Any area within a fully enclosed building used for the discharge of any firearm for recreational or training purposes. A *shooting range, indoor* shall be considered a *recreational facility, private* for the purposes of regulation by this Ordinance.

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

Short Term Rental Unit: A dwelling which is rented for transient use usually for periods of thirty (30) consecutive days or less, typically, but not exclusively, for use by tourists or nonresident individuals temporarily employed or staying in the area.

Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, and intended for viewing from the building exterior, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields.

- A. On-premises Sign: Any permitted sign located on the land upon which the concern advertised by such sign is located.
- B. Off-premises Sign: Any permitted sign not located on the land upon which the concern advertised by such sign is located.
- C. Sign Surface Area: The size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g. raised letters attached to a facade) surface area shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material. If one, two sided sign is proposed, each face shall not exceed the applicable maximum sign surface area. If one-sided signs are proposed, two signs may be erected and the face of each shall not exceed the applicable maximum sign surface area.
- D. Nonconforming Sign: Any sign legally existing prior to the effective date of this Ordinance.
- E. Billboard: A sign advertising a business, product, service, commodity, activity or other concern which is located, produced or offered at a location other than the premises on which the billboard is located; but, not including the off-premises signs permitted by §505.2 of this Ordinance.

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

Slip: See "watercraft slip."

Solar Access: A property owner's right to have sunlight shine on the owner's land.

Solar Commercial, Facility: A facility where one or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities, are located and are used for the generation of electricity which is sold on the open market.

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

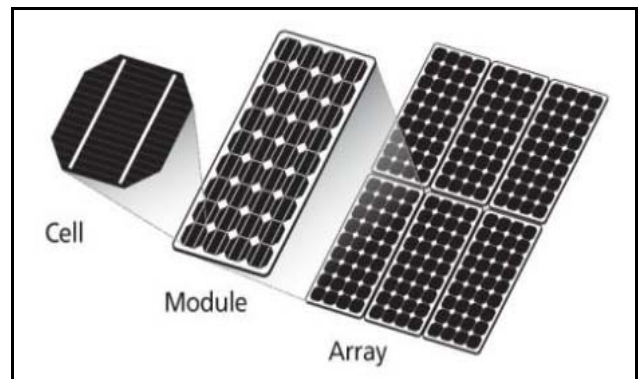
Solar Energy: Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Energy System: A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

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

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

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



Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Solar Related Equipment: Items including, but not limited to, a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

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

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

Solid Waste Facility, Public: Any facility or operation of a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not

limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

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

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

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

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

Staging Areas for Equipment/Materials: Any area where equipment, vehicles, supplies and/or other material are assembled or stored for the support of another operation or use located at a different site.

Storage Yard For Forest Products/Minerals: An area, not on the same parcel where the products are initially harvested or gathered, to which trees, forest products, flag stone, landscaping stone, wall stone or other minerals are hauled and stored, and which does not involve: any land development, the operation of a sawmill, the operation of any other wood manufacturing business, the operation of any natural resources processing, or firewood processing.

Story: The space between the surface of two successive floors in a building or between the top floor and the ceiling or underside of the roof framing and as further defined by the PA Uniform Construction Code.

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

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

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

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

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

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

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

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

Theater, Drive-In or Outdoor: A parcel or part of a parcel of land devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use.

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

Townhouse: See *dwelling, multi-family*.

Township: Overfield Township, Wyoming County, Pennsylvania.

Tract: See definition of *lot*.

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

Transient Use: Occupancy of a dwelling unit by two or more families or groups for less than thirty (30) consecutive days at separate times over the course of a year; not including unrelated individuals who may be temporarily staying at the location as guests of the principal occupant for no type of compensation.

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

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

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

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

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

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

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

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

Vehicle or 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.

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

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

Wall: See *fence*.

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

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

Water System or Supply: A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- A. Community or Public Water: A public or private utility system designed to supply and transmit drinking water from a common off-lot source to two (2) or more dwelling units or uses.
- B. On-Lot or Individual Water: Service by a water system that does not meet the definition of a *community or public water supply*. In most cases, this would involve an individual well serving an individual lot, but may also include a common well or another duly approved system.

Water Withdrawal Facility: A facility adjacent to a water body or stream that typically contains a submerged suction line, pumps, water main, multiple hydrants, truck loading and staging area, and water storage tanks, and which stores water on a temporary basis that is intended to be transported by vehicle for use at another site.

Waterbody: Any natural or artificial pond, lake, reservoir or other area containing a surface area of over one thousand (1,000) square feet and which usually or intermittently contains water and has a discernible shoreline.

This definition shall not include facilities constructed for the express purpose of managing stormwater volumes, flows or quality.

Watercourse: A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. This definition shall not include facilities constructed for the express purpose of managing stormwater volumes, flows or quality.

Watercraft: Every description of device used on the water or ice or capable of being used as a means of transportation on water or ice. The term includes boats, motorboats, iceboats, all terrain or amphibious vehicles when they are operated on water and all such other devices.

Watercraft Dock: A platform, either floating or supported by any other means, which is designed and constructed for the purpose of providing mooring space for watercraft, for swimming or for any other access to or use of a body of water. In any case where a fee is charged for the use of a dock, said dock shall be considered a commercial watercraft dock.

Watercraft Dock, Commercial: A platform, either floating or supported by any other means, which is designed and constructed for the purpose of providing mooring space for watercraft, for swimming or for any other access to or use of a body of water, and where a fee is charged for the use of the dock.

Watercraft Docking Facility, Commercial: The use of any parcel of land to provide access to watercraft docks; and which includes parking but does not include principal structures or the launching of watercraft, and for which a fee is charged. Docking facilities serving lot owners in a residential subdivision with deeded lake rights as of the effective date of this Ordinance, shall be considered commercial docking facilities.

Watercraft Storage Area: Any area of land used for the permanent or temporary storage of watercraft for financial gain.

Watercraft Storage Structure: Any permanent or portable structure or device used for the permanent or temporary storage of watercraft for financial gain.

Waterfront Marina: A facility for storing, servicing, fueling, launching, berthing and/or securing of watercraft that may include commercial watercraft docks, and the sale of watercraft, fuel and incidental supplies associated with watercraft.

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.

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

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

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

Wind Energy Facility, Commercial: A facility where one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity primarily for the principal structure to which it is accessory shall not be considered a *wind energy facility*.

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

Yard: See *setback*.

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

Zoning Map: The Official Zoning Map of Overfield Township.

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

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

ARTICLE 4 DISTRICT REGULATIONS

401 Designation of Districts

401.1 Designation

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

AG - Agricultural District
RES - Residential District

COM - Commercial District
IND - Industrial District

401.2 Intent

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

401.3 Floodplain Regulations

The Floodplain Overlay District is hereby created to be coterminous with the flood hazard areas established by the Federal Emergency Management Agency for the Township as shown on the most recent Federal Flood Insurance Rate Maps. In addition to all the applicable standards of this Zoning Ordinance the floodplain regulations contained in the Township Building Code Ordinance of 1992, as amended. Township Floodplain Ordinance shall apply in the Floodplain Overlay District.

401.4 Land Conservation Overlay District

The Land Conservation Overlay District is hereby created to promote the conservation of open lands in the Township, and the District shall apply to all areas of the Township in accord with §601 of this Zoning Ordinance.

401.5 Lake Winola Watershed Overlay District

The Lake Winola Watershed District shall include the water and surface of Lake Winola, the land under the Lake, and the entire watershed draining to the Lake. See §405 for establishment and applicable requirements.

402 Official Zoning Map

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

403 District Boundaries

403.1 Establishment

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

403.2 Interpretation

Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed

to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.3 Uncertainty

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

404 District Regulations

District regulations are of two (2) types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

404.1 Use Regulations

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

- A. Principal Permitted Uses and Accessory Uses - Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this Ordinance.
- B. Conditional Uses and Special Exceptions - Conditional uses and special exceptions are permitted uses which require individual consideration because of their special characteristics and are referred to the Planning Commission for review and preparation of a recommendation to the Board of Supervisors and Zoning Hearing Board, respectively. Following a public hearing, and based on its determination that the proposed use meets the standards of this Ordinance, the Board of Supervisors for conditional uses and the Zoning Hearing Board for special exceptions may approve the issuance of a zoning permit by the Zoning Officer.
- C. Use Must be Listed - No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this Ordinance. In other words, any use not specifically permitted by this Ordinance within a Zoning District shall be deemed to be prohibited within that Zoning District. If a use which could be included in a more general use is listed as a separate use in any District Schedule of Uses, such use shall be permitted only in the district where it is specifically listed. 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.

404.2 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- B. Findings - The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden of proof shall be upon the applicant:

1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 3. The use is not permitted in any other zoning district.
- C. Planning Commission Review - At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.
- D. Conditions - The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

404.3 Development Standards

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

SCHEDULE OF USES

ACCESSORY USES PERMITTED IN ALL DISTRICTS – SCHEDULE OF USES

<p>ACCESSORY USES</p> <ul style="list-style-type: none"> - Accessory uses customary to approved uses - Boat houses - Decks and porches - Docks - Essential services - Farm stands - Fences - Home gardens, home greenhouses and home nurseries 	<ul style="list-style-type: none"> - Home occupations* - Housing for agricultural workers fully employed on the premises - No-impact home-based businesses - Patios - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Recreational vehicles, accessory per §503.16 	<ul style="list-style-type: none"> - Required parking areas - Signs accessory to approved uses - Satellite dish antennae - Solar collectors, accessory - Wind turbine generators, accessory - Yard sales <p>*NOTE: see §503 which classifies certain home occupations as special exceptions.</p>
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AG - AGRICULTURAL DISTRICT -- SCHEDULE OF USES

INTENT: To permit, protect and encourage the continued use of land for agriculture and forestry enterprises. The district is composed of those areas of the Township where agriculture and forestry enterprises are the predominant land uses. The regulations applicable in the district are designed to protect and stabilize the essential elements of the district’s existing character, to minimize conflicting land uses detrimental to agriculture and forestry enterprises, to limit development which requires community facilities in excess of those required for agriculture and forestry enterprises, and to maintain land in parcels of adequate size to support economically viable agricultural and forestry operations. The extensive participation of the owners of larger properties in the agricultural district program and Act 319 Clean and Green preferential assessment program clearly documents 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. Concurrently, a number of other limited non-agricultural uses are permitted to enable the owners of large parcels of land to realize reasonable income from their land, thereby forestalling its sale for development.

PRINCIPAL PERMITTED USES (Zoning Officer)

- | | | |
|---|--|---|
| - Agricultural products processing only for products raised on the premises | - Golf courses excluding miniature golf and golf driving ranges | - Retail businesses with 10,000 square feet or less of gross floor area |
| - Agritourism enterprises | - Group homes | - Single-family detached dwellings |
| - Bed and breakfast establishments | - Home based businesses | - Stables, commercial, and horses for hire |
| - Boat houses | - Individual mobile homes for persons employed full-time on the farm where located | - Stables, private and boarding |
| - Crop production | - Livestock operations | - Two-family dwellings |
| - Forestry enterprises | - Nurseries, commercial | |

SPECIAL EXCEPTIONS (Planning Commission/Zoning Hearing Board)

- | | | |
|--|---|--|
| - Airports | - Major mineral extraction | - Sawmills |
| - Animal shelters | - Menageries | - Schools, public or private, primary or secondary |
| - Archery ranges, outdoor | - Minor mineral extraction | - Shooting preserves |
| - Campgrounds and recreational vehicle parks | - Mobile home parks | - Shooting ranges, outdoor commercial |
| - Cemeteries | - Oil and gas wells | - Short-term rentals (not permitted in multi-family dwellings) |
| - Commercial communication device sites | - Pipeline compressor stations, metering stations or operation/maintenance facilities | - Solar commercial facilities |
| - Contractor yards | - Places of worship | - Staging areas for equipment/materials |
| - Country clubs | - Public and semi-public buildings and uses | - Storage yards for forest products/minerals |
| - Day care, adult | - Race tracks | - Water withdrawal facilities |
| - Day care, child | - Recreational facilities, public | - Wind energy facilities, commercial |
| - Firewood processing | - Resort facilities | - Veterinary clinics |
| - Heliports, accessory | - Retail businesses with more than 10,000 square feet of gross floor area | - Zoos |
| - Heliports, commercial | | |
| - Kennels | | |
| - Land conservation residential development | | |

CONDITIONAL USES (Planning Commission/Supervisors)

- None

NOTE: Uses not specifically listed by this Schedule shall not be permitted in the AG District except in accord with §404.2.

RES - RESIDENTIAL DISTRICT -- SCHEDULE OF USES

<p>INTENT: To provide areas adequate to accommodate the Township’s single-family housing needs, and limiting unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.</p>		
<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p>		
<ul style="list-style-type: none"> - Crop production - Forestry enterprises 	<ul style="list-style-type: none"> - Group homes - Single-family detached dwellings 	<ul style="list-style-type: none"> - Two-family dwellings
<p>SPECIAL EXCEPTIONS (Planning Commission/Zoning Hearing Board)</p>		
<ul style="list-style-type: none"> - Bed and breakfast establishments - Country clubs - Day care, adult - Day care, child - Land conservation residential development 	<ul style="list-style-type: none"> - Places of worship - Public and semi-public buildings and uses - Private stables - Recreational facilities, public 	<ul style="list-style-type: none"> - Schools, public or private, primary or secondary - Short-term rentals (not permitted in multi-family dwellings)
<p>CONDITIONAL USES (Planning Commission/Supervisors)</p>		
<ul style="list-style-type: none"> - None 		

NOTE: Uses not specifically listed by this Schedule shall not be permitted in the RES District except in accord with §404.2.

COM - COMMERCIAL DISTRICT -- SCHEDULE OF USES

INTENT: To provide areas within the Township for the location of businesses and commercial enterprises of all types catering to the needs of local residents as well as surrounding communities and the region, and travelers.

PRINCIPAL PERMITTED USES
(Zoning Officer)

- | | | |
|------------------------------------|--|------------------------------------|
| - Art studios | - Model homes and mobile/manufactured home sales | - Service establishments |
| - Banks | - Office buildings | - Single-family detached dwellings |
| - Banquet halls | - Places of worship | - Theaters, indoor |
| - Bed and breakfast establishments | - Professional offices | - Trade schools |
| - Convenience stores | - Recreational facilities, public | - Taverns |
| - Day care, child | - Restaurants, take-out | - Two-family dwellings |
| - Exercise clubs | - Restaurants, traditional | - Watercraft storage area |
| - Funeral parlors | - Retail businesses | - Veterinary clinics |
| - Group homes | - Schools, public or private, primary or secondary | - Wholesale businesses |
| - Light manufacturing | | |
| - Mobile food service operations | | |

SPECIAL EXCEPTIONS
(Planning Commission/Zoning Hearing Board)

- | | | |
|-------------------------------|---|--|
| - Abused person shelter | - Homeless shelters | - Recycling collection facilities, small |
| - Amusement arcade | - Hotels | - Recycling units, mobile |
| - Amusement parks | - Medical clinics | - Resort facilities |
| - Apartment buildings | - Mobile sales operations | - Restaurants, drive-in |
| - Betting uses | - Motels | - Shopping centers and malls |
| - Boarding and lodging houses | - Multi-family projects | - Short-term rentals (not permitted in multi-family dwellings) |
| - Clubs/lodges, private | - Nursing homes | - Townhouses |
| - Conversion apartments | - Outdoor entertainment | - Vehicle or equipment rental, repair or sales operations |
| - Day care, adult | - Personal care homes or centers | - Watercraft docking facility, commercial |
| - Flea markets | - Public and semi-public buildings and uses | - Waterfront marina |
| - Garden apartments | - Recreational facilities, private | |
| - Gasoline service station | - Recycling collection facilities, large | |
| - Group quarters | | |
| - Health facilities | | |

CONDITIONAL USES
(Planning Commission/Supervisors)

- None

NOTE: Uses not specifically listed by this Schedule shall not be permitted in the COM District except in accord with §404.2.

IND - INDUSTRIAL DISTRICT -- SCHEDULE OF USES

INTENT: To reserve those areas in the Township best suited for manufacturing and industry, uses with potential for greater community impact, and other offensive uses based on location, existing uses and facilities, and the relationship to other land uses.

PRINCIPAL PERMITTED USES
(Zoning Officer)

- | | | |
|--|--|---|
| - Crop production | - Restaurants, drive-in | - Taverns |
| - Forestry enterprises | - Restaurants, take-out | - Theaters, indoor |
| - Greenhouse, commercial | - Restaurants, traditional | - Townhouses |
| - Group homes | - Retail businesses | - Trade schools |
| - Light manufacturing | - Self-storage facilities | - Two-family dwellings |
| - Livestock operations | - Service establishments | - Veterinary clinics |
| - Model homes and mobile/manufactured home sales | - Single-family detached dwellings | - Vehicle or equipment rental, repair or sales operations |
| - Office buildings | - Stables, private and boarding | - Watercraft storage areas |
| - Professional offices | - Storage yards for forest products/minerals | - Wholesale businesses |
| - Recreational facilities, private | | |

SPECIAL EXCEPTIONS
(Planning Commission/Zoning Hearing Board)

- | | | |
|---|--|--|
| - Abused person shelter | - Day care, child | - Motels |
| - Adult businesses | - Day care, adult | - Multi-family projects |
| - Agricultural products processing | - Exercise clubs | - Nursing homes |
| - Amusement arcade | - Explosives plants or storage facilities | - Outdoor entertainment |
| - Amusement parks | - Firewood processing | - Personal care homes or centers |
| - Apartment buildings | - Fireworks plants or storage facilities | - Places of worship |
| - Animal shelters | - Flea markets | - Recyclable processing facilities |
| - Art studios | - Funeral parlors | - Recycling collection facilities, large |
| - Banks | - Garden apartments | - Recycling collection facilities, small |
| - Banquet halls | - Gasoline service stations | - Recycling units, mobile |
| - Bed and breakfast establishments | - Group quarters | - Resort facilities |
| - Betting uses | - Health facilities | - Short-term rentals (not permitted in multi-family dwellings) |
| - Boarding and lodging houses | - Homeless shelters | - Slaughter houses |
| - Bulk fuel storage facilities | - Hotels | - Solid waste facilities, commercial |
| - Bus terminal | - Industrial wastewater treatment facilities | - Solid waste facilities, public |
| - Car and truck washes | - Industry | - Solid waste staging areas |
| - Clubs/lodges, private | - Junkyards | - Staging areas for equipment/materials |
| - Commercial communication device sites | - Kennels | - Theaters, drive-in or outdoor |
| - Contractor yards | - Major mineral extraction | - Truck terminals |
| - Convenience stores | - Medical clinics | - Warehouses |
| - Conversion apartments | - Mineral processing | - Water withdrawal facilities |
| - Correctional facilities | - Minor mineral extraction | |
| - Crematoria | | |

CONDITIONAL USES
(Planning Commission/Supervisors)

- None

NOTE: Uses not specifically listed by this Schedule shall not be permitted in the IND District except in accord with §404.2.

SCHEDULE OF DEVELOPMENT STANDARDS

PART 1 RESIDENTIAL LOT SIZES				
(This Part 1 Table applies to the creation of new lots. See §911.1 for pre-existing nonconforming lots.)				
Zoning district →→→→→	AG District	RES District	COM District	IND District
Minimum lot size for single-family dwellings (acres) See §601 for land conservation development.				
Type of sewage and water proposed				
1. On-site sewage & on-site water, or 2. On-site sewage & community water, or 3. Community sewage & on-site water	1	1	1	1
Community sewage & community water	1	0.25	0.25	0.50
Minimum lot size for two-family dwellings (acres)				
Type of sewage and water proposed				
1. On-site sewage & on-site water, or 2. On-site sewage & community water, or 3. Community sewage & on-site water	1	1	1	1
Community sewage & community water	1	0.25	0.25	0.5
Minimum project parcel size for multi-family dwellings (acres) --community water and community sewage disposal required --see Article 6 for additional requirements				
Garden apartments	see §601	not permitted	see note*	see note*
Townhouses		not permitted	see note*	see note*
Apartment buildings		not permitted	see note*	see note*
*Note: Minimum parcel size based on applicable performance standards.				
Maximum average density for multi-family dwellings (dwelling units per acres) --community water and community sewage disposal required --see Article 6 for additional requirements				
Garden apartments	see §601	not permitted	6 units/acre	6 units/acre
Townhouses		not permitted	6 units/acre	6 units/acre
Apartment buildings		not permitted	8 units/acre	8 units/acre
Mobile home parks --community water and community sewage disposal required --see Article 6 and the Subdivision Ordinance for additional requirements				
Minimum parcel size (acres)	5	not permitted	not permitted	not permitted
Minimum individual site size (square feet)	3,000	not permitted	not permitted	not permitted
Maximum individual site size (square feet)	7,500	not permitted	not permitted	not permitted
Maximum # units per acre	4	not permitted	not permitted	not permitted

PART 2 LOT DIMENSIONS FOR RESIDENTIAL USES			
Single-family and two-family residential in all districts where permitted (see §601 for land conservation standards and §602 for additional two-family dwelling standards)			
STANDARD	Size of Lot -- Conforming or Pre-existing Nonconforming (acres)		
	equal to or greater than		less than
	1	0.5	0.5
Minimum front yard setback (feet) (measured from edge of road right-of-way)	50	30	20
Minimum rear yard setback (feet)	15	15	6
Minimum side yard setback, each (feet)	10	10	6
Minimum road frontage, lot width and lot depth, and maximum depth to frontage ratio	regulated by subdivision and land development ordinance		
Multi-family dwellings and mobile homes: see Article 6			

PART 3 MAXIMUM BUILDING HEIGHT FOR RESIDENTIAL USES IN ALL DISTRICTS (see §501.4 for exceptions)	
DWELLING TYPE	MAXIMUM HEIGHT
Single-family and two-family	35 feet
Garden apartments, townhouses, and apartment buildings	See §603.2A
Unattached accessory structures	25 feet

PART 4 MAXIMUM LOT COVERAGE FOR RESIDENTIAL USES IN ALL DISTRICTS					
DWELLING TYPE	Size of Lot -- Conforming or Pre-existing Nonconforming (acres)				
	equal to or greater than				less than
	2	1	0.5	0.25	0.25
Single-family and two-family lot coverage	15%	20%	25%	35%	50%
Multi-family dwellings: see Article 6					

PART 5 LOT SIZE AND DIMENSIONS NON-RESIDENTIAL USES AS PERMITTED IN RES DISTRICTS				
Use	Minimum Lot Size (acres)	Minimum Yards* (feet)		
		Front **	Rear	Sides
<ul style="list-style-type: none"> - Bed and breakfast establishments - Day care, adult - Day care, child - Group homes 	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district		
<ul style="list-style-type: none"> - Places of worship - Public and semi-public buildings and uses 	1	50	40	20

*Greater setbacks may be required for conditional uses and special exceptions.
 **Front yard setback is measured from road right-of-way.

Minimum road frontage, lot width and lot depth, and maximum depth to frontage ratio are regulated by subdivision and land development ordinance.

PART 6 MAXIMUM BUILDING HEIGHT & MAXIMUM LOT COVERAGE NON-RESIDENTIAL USES AS PERMITTED IN RES DISTRICTS	
Maximum building height	35 feet
Maximum lot coverage	30 percent

PART 7 LOT SIZE AND YARDS NON-RESIDENTIAL USES AS PERMITTED IN AG DISTRICTS				
Use	Minimum Lot Size (acres)	Minimum Yards* (feet)		
		Front**	Rear	Sides
<ul style="list-style-type: none"> - Crop production - Forestry enterprises 	none	50	40	20
<ul style="list-style-type: none"> - Livestock operations 	5	50	40	20
<ul style="list-style-type: none"> - Stables, commercial and horses for hire 	see §805.3			
<ul style="list-style-type: none"> - Stables, private and boarding 	see §805.2			
<ul style="list-style-type: none"> - Kennels 	see §805.1			
<ul style="list-style-type: none"> - Commercial greenhouses - Commercial nurseries 	1	50	40	20

PART 7 LOT SIZE AND YARDS NON-RESIDENTIAL USES AS PERMITTED IN AG DISTRICTS				
Use	Minimum Lot Size (acres)	Minimum Yards* (feet)		
		Front**	Rear	Sides
- Agricultural products processing only for products raised on the premises - Sawmills	2	75	50	50
- Natural resource uses	5	75	50	50
- Bed and breakfast establishments - Day care, adult and child, not exceeding 10 individuals, and 11 or more individuals - Group homes	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district		
- Home based businesses - Places of worship - Veterinary clinics	2	50	40	20
- Country clubs - Golf courses excluding miniature golf and golf driving ranges	5	75	100	100
- Cemeteries - Public and semi-public buildings and uses - Public parks and playgrounds - Recreational facilities, public	1	50	40	20
- Campgrounds and recreational vehicle parks	5	regulated by subdivision and land development ordinance		
- Archery ranges, outdoor	3	50	50	50
- Airports - Heliports, accessory and commercial - Race tracks - Shooting ranges, outdoor	10	100	100	100
- Commercial communication device sites	1	see §809.3		
*Setbacks apply to structures unless otherwise specified by this Ordinance. Greater setbacks may be required for conditional uses and special exceptions.				
**Front yard setback is measured from road right-of-way.				
Minimum road frontage, lot width and lot depth, and maximum depth to frontage ratio are regulated by subdivision and land development ordinance.				

PART 8 MAXIMUM BUILDING HEIGHT & MAXIMUM LOT COVERAGE NON-RESIDENTIAL USES AS PERMITTED IN AG DISTRICTS		
	AGRICULTURAL USES	ALL OTHERS
Maximum building height (feet) (see §501.4 for exceptions)	50	35
Maximum lot coverage (percent)	25	20

PART 9 NON-RESIDENTIAL USES IN COM AND IND DISTRICTS			
Minimum lot size			
Type of sewage and water proposed			
1. On-site sewage & on-site water, or 2. On-site sewage & community water, or 3. Community sewage & on-site water		1 acre	
Community sewage & community water		0.5 acre	
Minimum yards			
STANDARD	Size of Lot -- Conforming or Pre-existing Nonconforming (acres)		
	equal to or greater than		less than
	1	0.5	0.5
Minimum front yard setback (feet) (measured from road right-of-way)	25	25	25
Minimum rear yard setback (feet)	25	15	15
Minimum side yard setback, each (feet)	15	15	15
Maximum building height and maximum lot coverage			
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	40	50	75
Minimum road frontage, lot width and lot depth, and maximum depth to frontage ratio	regulated by subdivision and land development ordinance		

405 Lake Winola Watershed Overlay District (See §858 for Watercraft Related Uses)**405.1 Background**

Lake Winola has long been a recreational gem in the greater Scranton area, having been discovered in the late 1800's and early 1900's as a recreation mecca for affluent residents of the nearby City of Scranton. Lake Winola has evolved into a recreation community comprised of many vacation and primary homes situated along the shoreline, many on lots of less than one-fourth acre. Public access to the 200-acre Lake is provided by a Pennsylvania Fish Commission boat launch. Coupled with the enthusiastic recreation use of the Lake and the surrounding residential development was the gradual decline in water quality resulting from ineffective on-site sewage disposal systems. In 1988-1989, the Township completed the construction of a central sewage collection and treatment system which culminated years of planning for improved water quality. The system, limited in capacity to address only the immediate area of the Lake, has a capacity of 87,500 gallons per day, and discharges the treated effluent to the Susquehanna River, some three miles to the south of the Lake. Careful regulation of development around the Lake, and within its small (1,365 acres) watershed, is vital to the Lake's continued good water quality and recreational appeal. The control of soil erosion and sedimentation in the watershed is also critical to maintaining water quality. Increasing numbers of boats on the already busy lake present public health and safety concerns which must be addressed along with land use issues. Of particular concern are those types of businesses which would involve or encourage additional numbers of boaters to use the Lake.

405.2 Intent

The Intent of the Lake Winola Watershed Overlay District is to provide standards for development in the watershed and use of the Lake in order to preserve water quality, assure compatible land uses in the watershed, and control the recreational use of the Lake to limit congestion and maintain safety for the public.

405.3 District Establishment

The Lake Winola Watershed District shall include the water and surface of Lake Winola, the land under the Lake, and the entire watershed draining to the Lake. This Overlay District is created under the authority of §603(b) of the Pennsylvania Municipalities Planning Code which states:

Zoning ordinances may permit, prohibit, regulate, restrict and determine:

- (1) Uses of land, watercourses and other bodies of water.*
- (2) Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.*
- (3) Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures.*
- (4) Density of population and intensity of use.*
- (5) Protection and preservation of natural resources and agricultural land and activities; and,*

§605(2)(ii) of the Pennsylvania Municipalities Planning Code which states that *(605) additional classifications may be made within any district: (2) for the regulation, restriction, or prohibition of uses and structures at, along or near: (ii) natural or artificial bodies of water, boat docks and related facilities.*

405.4 Waters of Lake Winola

The standards in this Section prohibit the occupancy of boats on an overnight and/or permanent basis in order to prevent the discharge of waste for the protection of the public health and safety and to maintain water quality; to assure the provision of adequate facilities for residential occupancy; and, to maintain the integrity of the tax base and assure that all occupants of residential facilities are assessed their fair share of the cost of public facilities and services. Standards are also included to limit commercial activities and operations on the Lake to minimize congestion and maintain the public safety.

- A. Residential Occupancy - Residential occupancy of any boat or other watercraft shall not be permitted. Residential occupancy shall be considered as the use of any watercraft for either short-term, overnight or longer-term, weekend, week, and/or seasonal occupancy; and for other than day use purposes such as pleasure boating, water skiing, swimming, fishing or other water-based recreation activities. The simple display or nominal use of fishing or other recreation equipment shall not constitute a basis for the claim of permitted recreation uses. For the purposes of this section the determination of residential occupancy shall be made exclusively by Overfield Township.
- B. Commercial Uses Prohibited - Commercial operations shall be permitted only in those zoning districts enumerated in the Schedule of Use Regulations in this Ordinance, and commercial uses shall not be permitted to operate on or in the waters of Lake Winola except as permitted by this §405.4. This section is not intended to prohibit the operation of legally existing or permitted commercial uses based on land and offering services associated with the recreational use of the Lake, such as watercraft rental, tour boats or fishing guide service. In addition, the following uses shall be considered as commercial and shall be prohibited:
1. The sale of any product or service which requires the transfer of said product or service from any dock to any watercraft or from one watercraft to another, or from a watercraft to a dock or to the shore; except at locations legally existing or permitted at the effective date of, or permitted in accord with, this Ordinance.
 2. The sale, service, or distribution of any alcoholic beverage.
 3. The use of any watercraft or other structure on or in the waters of the Lake, or anchored to the land under the Lake, or attached to the shore of the Lake, for any use which involves the sale of any item or provision of any service, including but not limited to, any type of retail or service establishment, sale of food service, entertainment, or similar use.
- C. Tour Boats as Special Exceptions -Tour boats shall be considered special exceptions in the Lake Winola Watershed Overlay District. All tour boats shall comply with the standards in this §405, the standards in §504, Off-Street Parking and Loading; §1108, Conditional Uses and Special Exceptions; §701 Performance Standards; and all other applicable standards:
1. Tour boats shall not be launched from any public launching facility owned and/or operated by the Pennsylvania Fish Commission.
 2. Tour boats shall not include any of the activities prohibited by §§B above.

405.5 Watercraft Docks

All watercraft docks shall require a zoning permit and comply with the applicable requirements of PA DEP rules and regulations and applicable Township standards.

- A. Docks Accessory to Dwellings - Watercraft docks accessory to dwellings shall serve only the residents of the dwelling unit on the lake front lot and their guests. Any required PA DEP permits shall be obtained by the property owner, and the size of the dock and number of boat slips shall comply with the permit issued by PA DEP. However, the dock shall not extend more than fifty (50) feet from the shoreline unless the applicant can document that additional length is required to attain a water depth adequate to assure safe and secure mooring. Docks and slips shall be a minimum of three (3) feet from adjoining property lines, and shall not interfere with the use of the lake by adjacent owners.
- B. Commercial Docks - Any dock which provides access to the Lake for other than lake front property owners shall be considered a commercial waterfront dock. Commercial waterfront docks shall only be permitted on

waterfront property in the COM District in accord with the requirements of §858.

- C. Access Easements - Access to Lake Winola via the granting of access easements or rights-of-way across lakefront property shall not be permitted.

405.6 Watercraft Mooring Buoys - Mooring buoys, whereby watercraft are attached to a floating, generally barrel-shaped object anchored to the lake bottom are prohibited.

405.7 Waterfront Buffer (See §704.3 applicable to all areas.)

In order to maintain water quality a buffer zone/building setback of not less than twenty (20) feet shall be maintained from the high water mark of Lake Winola. No buildings, structures (except uncovered and covered docks and boat houses), sewage disposal systems or other impervious surfaces (except approved boat launches and street and driveway crossings) shall be constructed or placed within this buffer zone.

405.8 Earth Disturbance

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 five thousand (5,000) square feet of land area shall require a zoning permit in accord with §705 of this Zoning Ordinance..

405.9 Storm Water Management and Soil Erosion Control

A storm water management plan and soil erosion control plan shall be required by the Zoning Officer, Planning Commission, Board of Supervisors or Zoning Hearing Board, as the case may be, for review and approval. (See §701.13 for other areas of the Township.) 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.

**ARTICLE 5
SUPPLEMENTARY REGULATIONS**

500 Introduction

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article 4. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this Ordinance.

501 Deviations From Required Sizes; Specific Restrictions

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

501.1 Nonconforming Lots of Record

See §911.

501.2 Reserved

501.3 Front Yard Exception

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

501.4 Height Limitations

Unless otherwise regulated by this Ordinance, height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. However, in all cases, any such structure shall be no closer to any property line than the height of the said structure. Any such structure which exceeds a height of fifty (50) feet, eighty (80) feet for agricultural structures, shall be considered a special exception and increased setbacks may be required.

501.5 Extension of Non-Conforming Setbacks

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

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

Projections into required yards shall not be permitted. All parts of structures shall meet the required setbacks. Patios may be located in required rear yards not less than twenty (20) feet to any rear property line.

501.7 Reduction of Required Area or Space

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

501.8 Access Drives; Driveways

Access drives and driveways serving a permitted use shall be permitted in all setbacks except as may be otherwise regulated by this Ordinance. For single-family dwellings and two-family dwellings a buffer of not less than 5 feet shall be maintained from rear and side property lines. The location of access drives and driveways may also be affected by highway occupancy permit requirements.

501.9 Prohibited Accessory Structures and Additions

Mobile homes, recreation vehicles, or travel trailers shall not be altered or combined in any fashion for use as a stand alone accessory structure or affixed to another mobile home or any structure as an addition.

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

- A. Development Standards - Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
- B. Residential Density - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3).
- C. Non-Residential Uses - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, or solid waste facilities where the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- D. Residential and Non-Residential on the Same Lot
 - 1. RES and AG Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
 - 2. COM and IND 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 Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
- E. Structure Separation - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet, unless an applicable building code requires a larger separation. (See §503.1 for accessory structures.)

502.2 Street Frontage

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

502.3 Clear View At Street Intersections

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

503 Accessory Structures and Uses

503.1 Accessory Structures

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

- A. Unattached Accessory Structures - All unattached accessory structures shall comply with yard requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred and forty-four (144) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than six (6) feet. In the case of corner lots, the full yard as specified in §502.2 shall be maintained.
- B. Attached Accessory Structures - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.
- C. Containers, Truck Trailers, Vehicles
 1. Sea containers, storage containers, truck trailers, vehicles and similar objects located on a lot for more than thirty (30) days shall only be permitted in the AG District for agricultural purposes only and in the IND District and shall be considered an accessory structure.
 2. Such objects shall maintain a setback of one hundred (100) feet from public road rights-of-way and the side and rear setbacks applicable to principal structures in the IND District. Side and rear setbacks shall be twice the normal setback in cases where the structure adjoins a residential use or RES District.
 3. All such objects shall be screened in accord with §701 and shall be maintained in good condition.

503.2 Fences and Walls

The erection of any fence or wall in all Districts shall require a zoning permit (no fee required), and shall be subject to the following provisions:

- A. All fences and walls shall comply with §502.3 for clear sight triangles.
- B. Fences and walls may be erected in front yards; however, no such fence or wall shall encroach upon any public right-of-way and shall not exceed a height of four (4) feet. Any fence greater than four (4) feet in height erected

along a front yard shall maintain the required front yard setback.

- C. Fences and walls not greater than four (4) feet in height may be erected at a minimum of six (6) inches from a rear or side property line which is not a road right-of-way. Any fence greater than four (4) feet in height erected along a side or rear yard shall maintain at a minimum fifty (50) percent of the required side and rear yard setbacks.
- D. All fence posts and other structural supports shall be located on the side of said fence towards the interior of the property owned by the person erecting the subject fence.
- E. The following fences and fencing materials are prohibited:
 - 1. Barbed wire except that surmounting a "man-proof" fence and said barbed wire is at least six (6) feet above ground level, except for agricultural purposes or keeping of horses.
 - 2. Electrically charged fences except for agricultural purposes.
 - 3. Broken glass surmounting a wall.
 - 4. Fabric, junk, junk vehicles, sheet metal, appliances, tanks, barrels or similar material.
 - 5. Fences which exceed a height of eight (8) feet or if the fence is at least seventy-five (75) percent open, a maximum of ten (10) feet.
- F. Engineered retaining walls necessary to hold back slopes are exempted from setback requirements and the regulations of this §503.2.
- G. Fences for agricultural purposes are exempted from the requirements of §§A, §B, §C, and §D of this §503.2.

503.3 Home Occupations and Home Based Businesses

503.3.1 Home Occupations

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

- A. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
- B. In the RES 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 the case of AG, COM and IND Districts the total area shall not exceed fifty (50) percent.
- C. No outdoor display or display visible from outdoors, or outdoor storage of materials, goods, products, supplies, or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.

- F. In the RES 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 the case of AG, COM and IND Districts, the number of nonresident employees shall not exceed three (3).
- G. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- H. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- I. No goods or items for retail or wholesale sale shall be permitted.
- J. 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) time per day. 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.
- K. See §505.3 for home occupation signs.
- L. §701, Performance Standards, shall also apply to home occupations.
- M. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, funeral parlors or other uses not meeting the requirements of this §503.3.
- N. The following types of uses shall be permitted as accessory uses in all districts:
1. Professional offices for individual practitioners.
 2. Rooming and/or housing of not more than two (2) persons.
 3. Custom dressmaking or tailoring.
 4. Foster family care for not more than four (4) children simultaneously.
 5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 6. Tutoring for not more than four (4) children simultaneously.
 7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.
 8. No-impact home-based businesses as defined in Article 3.
- O. All applications for home occupations not specifically enumerated as permitted in §503.3,N shall not be permitted in the RES District. In the AG, COM and IND Districts, all applications for home occupations not specifically enumerated as permitted in §503.3,N shall be considered special exceptions.

503.3.2 Home Based Businesses

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

- A. The home based business must be conducted entirely inside a building.
- B. No outdoor storage of materials, goods, products, supplies, or equipment used in the home based business shall be permitted unless adequate screening and buffers are provided in accord with §701.
- C. The home based business shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed five (5).
- D. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- E. No home based business shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the District.
- F. The use shall not require the parking 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.
- G. See §505.3 for home based business signs.
- H. §701, Performance Standards, shall also apply to home based businesses.
- I. Any use not meeting the requirements of this §503.3.2 and the following uses shall not be permitted as home based businesses:

Abused person shelters	Junkyards
Adult businesses	Major mineral extraction
Airports	Minor mineral extraction
Amusement parks	Motels
Amusement arcades	Oil or gas wells
Banks	Race tracks
Betting uses	Recyclable processing facilities
Bulk fuel storage facilities	Recycling collection facilities, large and small
Bus terminals	Restaurants, fast-food
Campgrounds and recreational vehicle parks	Restaurants, traditional
Car and truck washes	Self-storage facilities
Commercial communications device sites	Slaughter houses
Convenience stores	Solid waste facilities, public
Detention facilities	Solid waste facilities, commercial
Flea markets	Solid waste staging areas
Funeral parlors	Taverns
Heliports, commercial	Theaters
Hotels	Truck terminals (See §503.3.2,F)
Industry	

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

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

503.6 Private Outdoor Swimming Pools

- A. A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests.
- B. Pools and decks shall comply with setbacks for accessory structures.
- C. Swimming pools shall comply with Uniform Construction Code requirements.
- D. The Township does not assume the responsibility of guaranteeing to the public that all pools comply with the provisions of this §503.6.

503.7 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- B. Zoning Permit Required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §503.7 and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular Temporary Uses Permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
 - 1. Contractor's Office and Construction Equipment Sheds
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 - d. Required water supply and sanitary facilities shall be provided.
 - 2. Real Estate Sales Office
 - a. Permitted in any district for any new subdivision approved in accord with the Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
 - b. Maximum length of permit shall be one hundred and twenty (120) days.
 - c. The office shall be removed upon completion of the development of the subdivision.
 - d. Required water supply and sanitary facilities shall be provided.
 - 3. Temporary Shelter
 - a. When fire or natural disaster has rendered a single-family or two-family residence unfit for human habitation, the temporary use of a mobile home or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.

- b. Required water supply and sanitary facilities must be provided.
- c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- d. The mobile home or recreational vehicle shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence.

D. Reserved.

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

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

F. Additional Regulations

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

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

503.8 Yard Sales

Individual private family yard sales are a permitted accessory use in all zoning districts. A permit shall not be required; however, yard sales shall be subject to the following specific regulations and requirements:

- A. Each individual property location may have a maximum of three (3) yard sales during any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
- B. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in Districts where permitted and in accord with the requirements of this Ordinance.

503.9 Private Cemeteries

Private cemeteries shall be permitted as an accessory use in association with parcels of ten (10) acres or more, with the cemetery to be on a separately deeded parcel of one-half (0.5) acre.

503.10 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in all Districts subject to the requirements of §805.2.

503.11 Heliports as an Accessory Use

Heliports as accessory uses, in addition to all other applicable Ordinance requirements, shall comply with the following standards.

- A. Allowed only in the AG District as a special exception.
- B. The applicant shall document compliance with all applicable state and federal regulations.
- C. The landing pad shall be a minimum of two hundred and fifty (250) feet from any existing dwelling or any residential district.

503.12 Freshwater Ponds

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

503.13 Satellite Dish Antennae

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

503.14 Wind Turbine Generators, Accessory

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

- A. Height - The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer's standards.
- B. Setback
 - 1. No part of the wind turbine generator structure shall be located less than 1.1 times the total height of the wind turbine from property lines and public road rights-of-way as measured from the highest point of the rotor plane or support structure, whichever is higher.
 - 2. Guy wire anchors shall not extend closer than ten (10) feet to any property line or road-right-of-way.
- C. Uniform Construction Code; Manufacturer's Standards
 - 1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.
 - 2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
 - 3. Prior to the issuance of a certificate of use by the Zoning Officer the applicant shall provide documentation that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the manufacturer.
- D. Climb Prevention/Locks/Fence
 - 1. Wind turbines shall not include attached ladders or other such attachments that would allow access to the first fifteen (15) feet of the turbine above ground level.
 - 2. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent access by non-authorized persons.
- E. Noise and Shadow Flicker
 - 1. Audible sound from an accessory wind turbine generator shall comply with §701.6 of this Ordinance.
 - 2. Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
 - 3. For the purposes of this Subsection E, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

- F. Color and Lighting; FAA - Accessory wind turbine generators and support structures, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine may be artificially lighted, except as required by FAA requirements.
- G. Excess Electricity - Accessory wind generators shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- H. Site Plan - A plot plan shall be provided to document all required setbacks.

503.15 Solar Collectors, Accessory

An accessory solar collector is a freestanding or fixed device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy that contributes significantly to a structure's energy supply and which is sized and intended to be used to generate electricity for the principal structure to which it is accessory.

- A. Districts; Standards - Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §503.15 and other applicable standards of this Ordinance.
- B. Excess Electricity - Accessory solar collectors shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- C. Mounting - A solar energy system may be roof mounted or ground mounted.
- D. Height
 - 1. Roof Mounted - A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, shall not exceed the maximum building height or accessory building height specified for the underlying zoning district.
 - 2. Freestanding - A freestanding system shall not exceed the maximum building height for accessory buildings.
- E. Setback
 - 1. Roof Mounted - In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - 2. Freestanding - Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- F. Mechanical Equipment - Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district and shall be screened from any adjacent property.
- G. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.

- H. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- I. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service for a period of sixty (60) days and failure to do so shall constitute a zoning violation.

503.16 Accessory Recreational Vehicle

The occupancy of a recreation vehicle not located in an approved recreational vehicle park shall not be permitted except as a temporary shelter per §503.7,C,3 or in accord with the following:

- A. Number - Not more than one (1) occupied recreational vehicle shall be permitted per parcel.
- B. Accessory Use; Occupancy - The recreational vehicle shall be an accessory use to a single-family detached or two-family dwelling and shall be occupied only by the family or guests of the occupant(s) of the dwelling.
- C. Length of Use - The recreational vehicle shall not be used for periods of more than ten (10) successive days and not more than a maximum of forty (40) days in any calendar year.
- D. Sewage Disposal - The recreational vehicle shall be connected to an approved sewage disposal system with adequate capacity, or use a portable toilet or the toilet installed in the recreation vehicle and maintain an established pumping schedule with a bona fide waste disposal company and submit pumping receipts to the Zoning Officer.

504 Off-Street Parking and Loading

504.1 Availability of Facilities

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

504.2 Size and Design of Parking Spaces

Parking shall be provided in accord with an overall parking plan prepared in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township 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.

504.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways and shall be designed in accord with the recommendations of the Illuminating Engineering Society of North America.

504.4 Public Right-of-Ways

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

a local street or parking court.

504.5 Reserved

504.6 Number of Spaces To Be Provided

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

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

USE	PARKING SPACES REQUIRED
<p>Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	
<p>1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents</p>	<p>1 per 200 SFGFA</p>
<p>2. Drive-in banks</p>	<p>1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window</p>
<p>3. Serving little or few customers or clients on premises, such as corporate offices</p>	<p>1 per 250 SFGFA</p>
<p>4. Funeral homes</p>	<p>1 per 100 SFGFA open to the public</p>
<p>F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment</p>	<p>1 per 600 SFGFA</p>
<p>G. Educational, cultural religious social, fraternal uses</p>	
<p>1. Public schools</p>	<p>1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools</p>
<p>2. Trade and vocational schools, colleges</p>	<p>1 per 100 SFGFA open to the public</p>
<p>3. Churches, synagogues and temples</p>	<p>1 per every 4 seats used for services</p>
<p>4. Libraries and museums, social, fraternal clubs and lodges; and similar uses</p>	<p>1 per 300 SFGFA open to the public</p>
<p>H. Recreation, amusement and entertainment</p>	
<p>1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses</p>	<p>1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA</p>
<p>2. Movie theaters, stadiums and similar uses with seating accommodations</p>	<p>1 per every 4 seats</p>
<p>3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses</p>	<p>1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity</p>
<p>4. Commercial watercraft docking facilities, including such facilities at waterfront marinas</p>	<p>2 per every 3 slips</p>
<p>I. Hospitals, clinics and other medical treatment facilities</p>	<p>1 per bed or 1 per 200 SFGFA, whichever is greater</p>
<p>J. Restaurants, bars, taverns and other eating establishments</p>	<p>1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window</p>
<p>K. Vehicle related uses (See definition of "vehicle" in Article 3.)</p>	
<p>1. Sales, service, repair</p>	<p>1 per 250 SFGFA</p>
<p>2. Gas sales</p>	<p>1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces</p>

USE	PARKING SPACES REQUIRED
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
L. Warehousing and storage	1 per 4,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public

For uses not specifically provided above, the Board of Supervisors, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

504.7 Loading and Unloading Areas

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

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

504.8 Access To Off-Street Parking and Loading Areas

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

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

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

B. Controlled Access - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.

C. Highway Occupancy Permit - All new uses shall be required to obtain a highway occupancy permit from the Township or PA DOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Township may require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection. In making the determination of requiring a highway occupancy permit or a revised highway occupancy permit, the Township shall consider the following criteria:

1. The anticipated increase in traffic volume. In the case of PA DOT permits, should the traffic increase from one level of permit to a higher level, a revised permit shall be required.
2. The adequacy of the sight distance at the access to the property.
3. Effectiveness or lack of existing traffic access controls such as curbing, fencing or landscaping.
4. The number of parking and loading spaces available and the number required by this Zoning Ordinance.
5. The occurrence of parking on the public road right-of-way and adjoining properties.
6. Anticipated future development in the vicinity.

D. Curbing - Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township, unless otherwise required by PennDOT for a state highway occupancy permit.

504.9 Parking and Loading Area Setbacks

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

A. Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.

B. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:

1. Paving except for approved driveway/access way crossings
2. Fences

3. Parking, storage or display of vehicles
4. Items for sale or rent

C. Uses Permitted - The buffer area may include the following:

1. Permitted freestanding signs
2. Pervious storm water facilities
3. Approved driveway/access way crossings

D. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the paving.

504.10 Surfacing

Except for landscaped areas, all wearing surfaces of required parking areas, including driveways, shall be graded, surfaced with suitable material, and drained to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining properties. Surface water flow shall be controlled and managed as per the stormwater control requirements of the this Zoning Ordinance and the Subdivision and Land Development Ordinance.

504.11 Off-Lot Parking

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

504.12 Joint Use Parking

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

504.13 Landscaping

In COM and IND Districts, all improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- A. Buffer Areas - The buffer area between the parking area and the public street required by §504.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure or a non-commercial district.
- B. Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty

(60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.

- C. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Township. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- D. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township.

504.14 Existing Parking Areas

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

504.15 Parking for Residential Use

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

504.16 Handicapped Parking

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

504.17 Shopping Carts

Establishments furnishing carts shall designate and reserve areas for the return and collection of carts at the rate of at least one (1) return area per every twenty-five (25) parking spaces. Return areas shall be at least one hundred eighty (180) square feet in size.

504.18 Snow Storage and Removal

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

505 Signs

505.1 Definitions

See Article 2.

505.2 Business and Advertising Signs

- A. Number and Size - The owner, lessee or occupant of land in Overfield Township, may erect and maintain on such land not more than two (2) signs advertising the business or profession of such owner, lessee or occupant of the property, if only one side of such sign is used for advertising. If both sides of one sign are used for advertising, then only one sign may be erected to advertise the business or profession of the owner, lessee or occupant of such property. Each sign shall not exceed forty (40) square feet in surface area.

- B. Location - Such signs may only be placed on and maintained by the owner, lessee or occupant of land upon which is located the main office or principal place of business or where a branch office, store or warehouse is maintained by the said owner, lessee or occupant of such land. In such event, the number of signs shall be limited as herein set forth.
- C. Additional Signs - In addition to the sign(s) permitted by Subsection A of this Section 505.2, business and advertising signs attached to the principal structure shall be permitted. Said signs shall only be attached to the facade of the building which faces a public road right-of-way, shall be attached directly to and in the same plane of the facade and shall not project more than one (1) foot from the facade. The total area of the sign(s) shall not exceed ten (10) percent of the area of the facade to which the sign(s) is attached or forty (40) square feet, whichever is less.
- D. Nothing herein contained shall prevent:
1. The owner, occupant or lessee of a business or profession located in Overfield Township without direct access to Route 307 from erecting two (2) signs in the Township directing the public to such business or profession. One (1) sign shall not have a surface area of more than ten (10) square feet, and the second sign shall not have a surface area of more than four (4) square feet. Additional directional signs may be permitted as a special exception. All such signs shall be permitted shall include only the name of the business or profession and directions thereto. This Section shall not apply to home occupations which shall be limited to the sign permitted in Section 505.3.
 2. As a special exception, the installation and maintenance of a central directory sign board not more than six (6) feet high and not more than ten (10) feet wide at the intersection of two (2) or more roads advertising one (1) or more businesses and directional arrows thereto. An individual sign on this board advertising a single business shall not exceed a surface area of ten (10) square feet and shall be uniform with other signs on the sign board. Evidence of the ownership and proposed maintenance of such directory shall be submitted with permit application.
 3. Signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.
 4. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
 - a. The size of such sign is not in excess of twelve (12) square feet;
 - b. Not more than two (2) signs are placed upon any property unless such property front upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
 - c. Such sign is not illuminated.
- E. Traffic Signs - Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.

505.3 Home Occupation and Home Based Business Signs

One (1) sign advertising a home occupation or home based business is permitted provided it does not exceed four

(4) square feet in area.

505.4 Residential Development and Multi-Family Project Signs

One (1) sign identifying a residential development or multi-family project is permitted on the premises of such project providing the sign does not exceed twenty (20) square feet in surface area. Signs identifying each building of a multi-family project shall also be permitted. Such signs shall not exceed one (1) square foot and are attached to the building facade.

505.5 Cluster Commercial Signs

- A. Project Signs - One (1) free-standing sign identifying the cluster commercial project is permitted on the premises of such project provided the sign does not exceed forty (40) square feet in surface area.
- B. Individual Signs - One (1) sign identifying each business or profession located in the cluster project is permitted provided the sign does not exceed ten (10) square feet in surface area. Such signs shall be attached to the same frame as the cluster commercial project sign provided for in Section 505.5-(a).
- C. Facade Signs - One (1) additional sign identifying each business or profession in the cluster project is permitted provided the sign does not exceed twenty (20) square feet in surface area and the sign is attached directly to the facade of the structure housing the business or profession.

505.6 Shopping Center or Mall Signs

- A. Project Signs - One (1) free-standing sign identifying the shopping mall is permitted on the premises of the mall provided the sign does not exceed 150 square feet in surface area.
- B. Individual Signs - Two (2) additional signs are permitted for each separate tenant in the mall provided that such signs are attached directly to the wall of the structure and each sign does not exceed 10% of the area of the wall to which it is attached.

505.7 Location of Signs

- A. Rights-of-Way - Signs shall not project into, onto or over any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way.
- B. Public Nuisance - No signs shall be erected, installed or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.

505.8 Temporary Signs

The following temporary signs associated with a legal commercial use shall be permitted in all districts, after applying to the Zoning Officer and obtaining a permit for such sign: Special advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area; including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days.

505.9 General Regulations

The following regulations shall apply to all permitted signs:

- A. Permitted Use - A sign shall be permitted only in connection with a permitted use.
- B. Removal - All signs shall be removed when the reasons for their erection no longer apply.
- C. Roof Prohibition - Signs shall not be permitted on the roof or above the roof line of the building to which they are attached.
- D. Wall Projections - No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
- E. Side Yard Setbacks - Signs other than official traffic signs shall comply with side yard set backs as established for principal structures in the District where the sign is located.
- F. Nuisance Signs - No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- G. Lighting - No light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety. This shall include flashing, oscillating and "spot" lights when improperly placed. All non-conforming lighted signs shall be removed or brought into conformity within 60 days of the enactment of this Ordinance. (See §505.17 for electronic message signs.)
- H. Moving Signs - No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.
- I. Attachment - No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.
- J. Off-Premises Signs - Not more than one (1) off-premises sign governed by Section 505.2,D,(1) shall be permitted per one hundred (100) feet of road distance on each side of the road.
- K. Portable Signs - Portable signs shall be considered as any other signs and shall be subject to all regulations contained in this Ordinance.
- L. Excessive Height - Signs exceeding a height of 25 feet from the ground surface shall be considered special exceptions.
- M. Permanent Attachment - All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Signs affixed to moveable frameworks or otherwise intended to be transportable shall not be permitted.

505.10 Illumination

Where permitted, signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination, if produced in such place or manner as may tend to make it resemble traffic signals, shall not be green, red or orange-yellow.

505.11 Application

An application for a permit to install or relocate a sign shall be made on a form obtained from the Township Zoning Officer and filed with the Township Secretary, together with the fee determined by the Township Supervisors.

505.12 Non-conforming Signs

Existing non-conforming signs may be repaired or reconstructed on the same site, but shall not be relocated. Non-conforming signs shall be those legally existing at the effective date of this Ordinance, or any amendments thereto, in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto. All non-conforming signs shall be registered by the Zoning Officer and the owners of such signs shall be required to pay an annual registration fee established by the Board of Supervisors.

505.13 Penalties

- A. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- B. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the or the owner or lessee of the land upon which the sign is located, the Township Supervisors may institute appropriate actions to prevent the violation or abate the nuisance.

505.14 Billboards

The following regulations shall apply to all billboards:

- A. Billboards shall be permitted only in the COM and IND Districts.
- B. A billboard may only be erected on a lot or parcel of property which fronts on a state road.
- C. Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than three hundred (300) feet to any other billboard.
- D. No billboard shall be erected less than one hundred (100) feet from any existing residential structure.
- E. No billboard shall exceed three-hundred (300) square feet in surface area; and no advertising face shall exceed fifteen (15) feet in vertical measurement or thirty (30) feet in horizontal measurement.
- F. No billboard shall exceed a height of thirty (30) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.
- G. All billboards shall maintain a side yard setback of not less than twenty-five (25) feet; and shall be located not less than twenty-five (25) feet, nor more than seventy-five (75) feet, from the adjoining public road right-of-way line.
- H. No billboard shall be attached to or erected on any other structure.

505.15 Political Signs

- A. Definition - A *political sign* is a temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.
- B. Permit - A permit shall not be required.
- C. Clear Sight; Hazards - No sign shall violate the clear sight requirements of §502.3 or otherwise be erected in such

manner as would constitute a public hazard.

- D. Private Property Outside Right-of-Way - The provisions of §505.15.E shall not apply to political signs erected on private property outside a public right-of-way. Such signs are considered noncommercial free speech signs regulated by §505.16.
- E. Public Rights-of-Way - Political signs erected within a public right-of-way shall comply with the following:
1. Timing - The signs shall not be posted more than ninety (90) days in advance of the election to which the signs pertain and shall be removed within ten (10) days following the election for which the signs were posted.
 2. Road Setback - No sign shall be located less than five (5) feet from the edge of the shoulder or curb line of any public road.
 3. Size - No sign shall exceed sixteen (16) square feet for each exposed face.
 4. Support - Each sign shall be erected on its own support and shall not be attached to any of the following: trees, vegetation, utility poles, fences, guiderails, other signs or sign posts, or other structures.
 5. Township Removal - Each sign that is erected or displayed in violation of this §505.15.E shall be subject to removal by the Township Zoning Officer.
- F. Public Property - Political signs shall not be erected on public property .

505.16 Noncommercial Free Speech Signs

- A. Definition - A *noncommercial free speech sign* is a sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters, and which does not meet the definition of a *political sign*.
- B. Permit - A permit shall not be required.
- C. Clear Sight; Hazards - No sign shall violate the clear sight requirements of §502.3 or otherwise be erected in such manner as would constitute a public hazard.
- D. Public Rights-of-Way - Noncommercial free speech signs shall not be erected within a public right-of-way.

505.17 Electronic Message Signs in COM Districts

In the COM Commercial District one (1) of the signs permitted by this §505 may be an electronic message sign. In addition to the other applicable requirements of this Ordinance, electronic message signs shall comply with the following:

- A. 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.
- B. 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.

C. Message Display

1. 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.
2. Transition - Transitions for electronic message signs shall fade and content shall not change more than once every five (5) seconds with a transition time not exceeding one (1) second.
3. 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.
4. Projection - Images or messages projected onto buildings or other objects shall be prohibited.

D. 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.

1. 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.

LUMINANCE - A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).
 NIT - A unit of measure of Luminance.

2. 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.
 3. Light Trespass - Electronic message signs shall comply with the light and glare requirements of §701.8. The maximum light trespass limit at the boundary line of AG and RES Districts, lot lines of existing residential structures and permanent open space shall be 0.1 foot-candles, and 1.0 foot-candles at other property lines.
 4. 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.
 5. 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.
- E. Height - The electronic message sign shall not exceed the maximum allowable height of a non-electronic message sign of the same type.
- F. 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

G. 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 §505.17.

505.18 Fuel Price Signs

Retail fuel sales establishments shall additionally be permitted one (1) sign with up to four (4) fuel prices attached to the business sign permitted in §505.2. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. Such sign may be electronically controlled but the letters/numerals shall be static and shall not flash or move.

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

**ARTICLE 6
RESIDENTIAL STANDARDS**

601 Land Conservation Overlay District (DEVELOPER'S OPTION)

601.1 Intent

By providing an **optional** form of development, the Land Conservation Overlay District is intended 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 Land Conservation Overlay District, many of these significant land features would be lost to the effects of conventional residential development. As compared to land conservation 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 and multi-family 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 Land Conservation Overlay District are as follows:

- A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, floodplain and wetlands by directing development to other areas of the project parcel.
- B. 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.
- C. 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.
- D. To reduce the erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.
- E. 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.
- F. To encourage the use of sewage disposal methods that do not result in a stream discharge of effluent.
- G. To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.
- H. 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.

- I. To realize the goals of the Township Comprehensive Plan and Open Space Plan.
- J. To establish a mechanism for the continued preservation and maintenance of open land in the Township to achieve the purposes enumerated in this §601 and for active or passive recreational use by residents.

601.2 District Application

The Land Conservation Overlay District shall apply to all areas of the Township in all zoning districts except the RES District, and only in accord with the standards of this §601.

601.3 Land Uses Permitted as Special Exceptions, Density, and Open Space

Land uses permitted in the Land Conservation Overlay District in accord with this §601 shall be considered special exceptions and shall be limited to the following:

A. Dwellings and Density Bonus

1. On tracts of twenty (20) acres or more, the following dwelling types are permitted in accord with the standards of this §601:
 - a. Standard single-family detached dwellings.
 - b. Lot-line houses (see definition).
 - c. Two-family dwellings
 - d. Multi-family dwellings

Overall density for all dwelling type 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, and a density bonus of fifteen (15) percent shall be applied. (See §601.4,B and §601.7 for density determination, and §601.7,C for soil based sewage disposal bonus.)

Not less than fifty (50) percent of the tract shall remain as open land as defined and maintained in accord with this §601. (See §601.5,B for the proportion of open land which may be comprised of wetlands, floodplain and steep slopes.)

2. On tracts of less than twenty (20) acres, standard single-family detached dwelling subdivisions are permitted in accord with the standards of the Schedule of Development Standards contained in this Zoning Ordinance.

No density bonus shall be applied. 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 said Schedule of Development Standards.

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.

3. On tracts of ten (10) ten acres or more, standard single-family detached dwellings with no common open land may be permitted as a special exception, but only in accord with §601.9 and other applicable standards of this Zoning Ordinance.

No density bonus shall be applied. 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.

- B. Open Land Uses - Open land which comprises a part of a residential development approved in accord with the requirements of this §601 shall be used only in accord with the requirements of this §601 and Article 10 of this Zoning Ordinance.
- C. Non-Residential Uses - The following non-residential uses shall be permitted on parcels of ten (10) acres or more:
 1. 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.
 2. Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.
 3. Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.
 4. 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.
- D. Accessory Uses - Accessory uses on the same lot as the principal use shall be permitted as set forth on the Schedule of Uses.

601.4 Project Design Process

The design process included in this §601 is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*.¹ 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.

- A. Inventory and Analysis - A site inventory of land forms and natural, historic and scenic features, and a site

¹Arendt, Randall, MRTPI, Natural lands Trust, Inc., Media, PA, September 1994.

analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this §601. 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 §601.4. The final determination and designation of Secondary Conservation Areas shall be made by the Township as part of the project review and special exception 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 Land Conservation Overlay District.

1. 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 five (5) 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 Wyoming County Soil Survey published by the U.S. Department of Agriculture.
 - c. Hydrologic characteristics of the tract, including streams, lakes and ponds, floodplain 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.
2. 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.
3. Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.
4. 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.
5. 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.
6. Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:
 - a. Primary Conservation Areas shall include:
 - 1) Wetlands
 - 2) Land within the 100 year floodplain

- 3) Land with a slope of twenty-five (25) percent or more
- 4) Land within one-hundred (100) feet of any pond, lake or stream

b. Secondary Conservation Areas shall include:

- 1) Aquifer recharge areas
- 2) Areas with highly permeable soil
- 3) Land within twenty-five (25) feet of wetlands
- 4) Natural drainage ways
- 5) Major rock outcroppings and other unusual geologic features
- 6) Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
- 7) Historic resources
- 8) Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract

B. Useable Land Area - Determination of Base Dwelling Unit Density - The developer shall have the option of determining the useable land area and 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 section. The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density.

1. Formula Method - The useable land area and base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density for single-family dwellings as set forth in the Schedule of Development Standards in §404.3 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. Wetlands.
- d. Land within the 100-year floodplain 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.

2. 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 useable land area and base dwelling unit density for the tract shall be made by the Township.

- C. Conceptual Sketch Plan -- Special Exception 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 special exception 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 §601:

1. Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas
2. Locating house site and neighborhoods
3. Laying out streets and footpaths/trails with connections
4. Establishing lot lines

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

- D. Conceptual Sketch Plan/Special Exception Review Process - Upon receipt of a complete application, the Planning Commission shall notify the Zoning Hearing Board of the same. The Planning Commission shall schedule a joint meeting with the developer and the Zoning Hearing Board to review the sketch plan. Subsequent to, or as part of the said meeting, the Planning Commission and Zoning Hearing Board shall conduct an inspection of the tract. A joint public hearing shall be conducted by the Planning Commission and Zoning Hearing Board, 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 Zoning Hearing Board, who shall approve, approve with conditions, or reject the conceptual sketch plan, which shall constitute action on the special exception application.

(Note: The construction of individual dwelling units and other buildings in any project approved in accord with this §601 shall require a zoning permit prior to construction; however, a special exception 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/special exception 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.

- E. Subdivision/Land Development Plan - Following Township approval of the conceptual sketch plan (special exception), 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.

601.5 Open Land Standards

- A. 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.
1. Land within public rights-of-way.
 2. 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).
 3. Wetlands.
 4. Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
 5. Land with a slope of twenty-five (25) percent or more.
 6. Any pond or lake more than two (2) acres in size.
 7. Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service;
- B. 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 floodplain, or land with a slope of twenty-five (25) percent 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 10 of this Ordinance.
- C. Uses Permitted on Open Lands - The following uses shall be permitted in open land areas:
1. Conservation of open land in its natural, unaltered state.
 2. Agricultural uses, including raising of crops or livestock, and farm buildings.
 3. Neighborhood open land as specified in §601.6,C.
 4. Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
 5. Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts, meeting the setback requirements of §601.7,D of this Ordinance. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.
 6. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
 7. Pasture for recreational horses not associated with a commercial operation. Not more than one (1) horse per two (2) acres shall be permitted.
 8. Easement for drainage, access, sewer or water lines, utilities or other essential services.

9. 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.
 10. Parking areas of ten (10) or fewer spaces to serve active recreation facilities.
 11. 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.
 12. Estate lots meeting the following standards:
 - a. A minimum size of ten (10) acres 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 §601.
 - 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 §601.6 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 §601.6 of 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.
- D. Uses Prohibited on Open Lands - The following uses shall be prohibited in open land areas:
1. 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.
 2. 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.
 3. Any other use not specifically permitted in §601.5,C above.
- E. Open Land Development Design Standards - The Township, in considering a proposed open land development and determining compliance with the intent and standards of this §601, shall evaluate the layout of lots and open land in accord with the design standards contained in this §601.5,E. 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 Zoning Hearing Board.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.
11. Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

601.6 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 §601.6 shall apply to all residential developments in neighborhoods in the Land Conservation Overlay District. Separate standards are provided in this Ordinance which shall apply to residential development of tracts of less than ten (10) acres, estate lots and residential development permitted by special exception.

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

1. 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.
2. 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.
3. Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
4. The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
5. 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
6. The preservation of any identified historic resources shall be incorporated into the design of neighborhoods in the Open Land Development.

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

1. 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 §601.
2. An Open Land Development plan may contain one (1) or more neighborhoods.
3. Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots, roads and neighborhood open land.
4. 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 §601.6,C which follows and meets the setback requirements in §601.7 of this Ordinance.
5. 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.

- 6. 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.
 - 7. The outer boundaries of each neighborhood shall meet the setback requirements in §601.7 of this Ordinance
 - 8. All lots in a neighborhood shall be restricted by permanent easement against further subdivision.
- C. 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
- 1. Be central to the neighborhood it serves.
 - 2. Have a minimum road frontage of one-hundred (100) feet, and a minimum average width of thirty-five (35) feet.
 - 3. 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.
 - 4. 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).
 - 5. Count toward meeting the overall open land requirements of the Open Land Development.

TABLE 601-1	
DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS	
Maximum density -- calculated using the useable land area and base dwelling unit density determined in §601.4,B multiplied by the applicable density factors established in §601.3,A,1 and §601.7,C.	
Minimum lot size	
single-family house	10,000 square feet
lot line house	6,000 square feet
two-family dwelling	15,000 square feet
townhouse	1,000 square feet
garden apartments	based on performance standards
apartment building	based on performance standards

TABLE 601-1 DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS	
Minimum lot width at the house location	
single-family house	70 feet
lot line house	50 feet
two-family dwelling	80 feet
townhouse	18 feet
garden apartments	based on performance standards
apartment building	based on performance standards
Minimum lot depth to width ratio	
townhouses	5:1
all other dwelling types	3.5:1
Minimum street frontage	
single-family house	20 feet
lot line house	20 feet
two-family dwelling	40 feet
townhouse	18 feet
garden apartments	based on performance standards
apartment building	based on performance standards
Minimum front and rear yard setback	
all dwelling types	20 feet front / 25 feet rear
Minimum side yard setbacks (each yard)	
single-family house	15 feet
lot line house	0/15 feet*
two-family dwelling	10 feet
townhouse end units	15 feet
garden apartments	15 feet
apartment building	20 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.	
Maximum lot coverage (% of lot area)	
single-family house	40%
lot line house	40%
two-family dwelling	30%
townhouse	45%
garden apartments	45%
apartment building	45%

601.7 Density and Dimensional Standards

The standards contained in this §601.7 shall apply to the specified uses in the Land Conservation Overlay District.

- A. 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 §601.4,B.
- B. 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 §601.3,C which involve any building on site.

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** (1 side/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 special exception 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 §601. ** setbacks pertain to developed area of lot	

- C. 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 §601.8,B) shall be granted a twenty-five (25) percent density bonus in lieu of the fifteen (15) percent bonus provided in §601.3,A,1. 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 1.25.

- D. 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 special exception process to allow for flexibility of design provided the developer can demonstrate that:
 1. The configuration of the project parcel makes the strict application of the setbacks impractical
 2. The reduction does not compromise the design standards of this §601; the overall intent of this Zoning Ordinance, or the applicable goals of the comprehensive plan.
 3. In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

TABLE 601-3 NEIGHBORHOOD SETBACKS	
Setback From ...	Requirement
External road rights-of-way	100 feet
Cropland and pasture land	100 feet
Buildings, barnyards, or corrals housing livestock	200 feet
Other residential neighborhoods	100 feet
Wetlands, floodplain	25 feet
Water bodies or water courses	50 feet
Active recreation areas such as playgrounds, courts, and playing fields	150 feet

E. 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:

1. Shall not be located in any Primary or Secondary Conservation Area.
2. Shall not include the tops of ridge lines.
3. Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.
4. Shall avoid open fields.

601.8 Water Supply and Sewage Disposal

A. 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, all multi-family dwellings and dwellings on lots less than one-half (0.5) acre shall be served by a community water system.

B. 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 multi-family dwellings shall be served by a community sewage disposal system. 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 §601.7,C of this Ordinance include:

1. Community (off-site, central) system employing subsurface disposal or spray irrigation on open lands.
2. 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.

601.9 Special Exception Standards

Any development on a tract of ten (10) acres or more proposing single-family residential dwellings without common open land is considered a special exception in accord with §601.3,A,3 of this Ordinance. The developer must demonstrate to the satisfaction of the Township that all of the following conditions are satisfied:

- A. The proposed project parcel is unsuitable for neighborhood development due to factors such as the size and shape of the tract, topography, or the location of Primary and Secondary Conservation Areas.
- B. If any part of the tract is in agricultural use, that the physical site features preclude the land's continued use for agriculture. Soil conditions, rock outcrops, wooded areas, parcel size or shape, past farming practices, and suitability for efficient farm machinery use shall be considered.
- C. The subdivision will not significantly disrupt the existing topography or the special features identified in the Primary and Secondary Conservation Areas.
- D. A complete inventory and analysis has been completed for the project parcel in accord with §601.4,A of this Ordinance.
- E. The proposed development design minimizes views of dwellings from existing roads and uses interior roads for lot access thereby avoiding the platting of numerous lots along public roads.
- F. The proposed development is consistent with the Community Development Objectives of this ordinance and the applicable goals of the Township Comprehensive Plan.

601.10 Phasing

Development in the Land Conservation 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:

- A. A complete inventory and analysis has been completed for the project parcel in accord with §601.4,A of this Ordinance.
- B. If the proposal is in conformance with the standards in this §601, the unified development plan shall be approved as a sketch plan in accord with §601.4,C 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.
- C. When estate lots are subdivided prior to neighborhood development, the following requirements shall apply:
 - 1. The unified plan must provide for sufficient land area in a suitable configuration to allow for neighborhood development in accord with this §601.
 - 2. The maximum density of the tract must include the dwelling units allocated to estate lots.
 - 3. The estate lots, when created, shall be restricted from further subdivision by permanent easement.
 - 4. Any future neighborhood development shall be in accord with the approved unified sketch plan and

development agreement.

601.11 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 10 of this Ordinance.

601.12 Modification of Area and Bulk Standards via Special Exception

Applicable area and bulk requirements, but not density requirements, may be modified up to fifty (50) percent subject to special exception approval by the Zoning Hearing Board. Any special exception approval to permit such modification(s) shall be subject to the following criteria:

- A. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
- B. Street System - The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or surrounding community, and shall not adversely affect emergency vehicle access.
- C. Quality of Design - The applicant shall demonstrate to the Zoning Hearing Board that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested .
- D. Burden; Conditions - If the Zoning Hearing Board determines that the applicant has met the burden of proof, it may grant a special exception for the modification of the requirements. The Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

602 Two Family Dwellings

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

602.1 Common Property Line

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than fifty (50) percent of the minimum lot size required in Part 1 of the Schedule of Development Standards in Article 5 of this Zoning Ordinance and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article 4 of this Zoning Ordinance.

602.2 Single Parcel

In cases where the two-family dwelling consists of two (2) dwelling units constructed on a single parcel with one(1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall,, the lot size shall comply with Part 1 of the Schedule of Development Standards in Article 4 of this Zoning Ordinance and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article 4 of this Zoning Ordinance. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a Zoning Permit.

602.3 Conversions -- See §604 of this Ordinance.

603 Multi-Family Dwellings

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

603.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the requirements for Open Land Developments contained in §601 of this Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in §601.5 of this Ordinance.

603.2 Bulk and Density Standards; Parcel Configuration

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

TABLE 603.2 MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	based on applicable performance standards		
Maximum Density -- number of dwelling units per acre of useable area (See §601.4,B for useable land area) (See §601 for density in AG Districts)	6	6	8
Maximum number of dwelling units per building	6	6	15
Maximum building height	2.5 stories but not to exceed 35 feet		3 stories but not to exceed 35 feet
Maximum lot coverage of project parcel (%)	40	40	40

TABLE 603.2 MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
Minimum individual dwelling size	800 square feet of gross floor area (see definition of gross floor area in §303)		
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 street frontage	18 feet		
Minimum front and rear yard setback	15 feet front / 15 feet rear		
Minimum side yard setback for end unit	15 feet		
Maximum lot coverage for individual townhouse parcels	45percent		

603.3 Design Criteria

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

- A. Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums; however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of thirty-five (35) 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. See §405.7 for the required buffer/building setback applicable to Lake Winola.
- B. 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.
- C. Building Separation - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §701.1 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any RES District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the special exception

application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

- H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with §6.500 of this Ordinance.
- J. Fire Protection and Fire Rescue - Fire protection shall be provided as required by the Pennsylvania Uniform Construction Code. When multi-family building height exceeds thirty-five (35) feet a fire rescue plan shall be developed by the applicant which is acceptable to the Lake Winola Fire Company No. 1, Inc.
- K. Short-Term Rentals - Short-term rentals as defined in §303 shall not be permitted in multi-family dwellings.

603.4 Non-Residential Use

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

603.5 Conversions of Existing Structures

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

603.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article 10 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.

603.7 Water Supply and Sewage Disposal

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

604 Conversion to Dwellings

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

605 Group Homes

Group homes shall be permitted in any lawful dwelling unit in accord with this §605 and other applicable standards of this Zoning Ordinance.

605.1 Definition

See definition in Article 3.

605.2 Supervision

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

605.3 Certification

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

605.4 Registration

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

605.5 Counseling

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

605.6 Parking

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

605.7 Appearance

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

605.8 Bulk and Density

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

605.9 Number of Residents

The following maximum number of persons shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time:

- A. 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.
- B. Any other lawful dwelling unit: six (6) total persons.

605.10 Visitors

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

606 Assisted Care Dwelling Unit for Relative

606.1 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.

606.2 Application Requirements

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

606.3 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.

606.4 Occupancy -- Care Requirement

The accessory unit shall be restricted to occupancy by a "relative" (as defined by Article 3 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.

606.5 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.

606.6 Bulk and Density Requirements

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

606.7 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.

606.8 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 Zoning Officer upon petition by the property owner for good cause. When any unit permitted under this §606 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.

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

It is the intent of this §608 to provide for the placement of mobile homes on individual building sites not located in a mobile home park, while at the same time preserving the character of the Township and protecting adjoining property values.

- A. Bulk Requirements - Mobile homes not located in a mobile home park shall comply with lot areas, setback, height, and other requirements established by this Ordinance applicable to its dwelling type.
- B. Foundation - Mobile homes not located in a mobile home park shall be placed upon and be permanently attached to a complete, permanent, foundation meeting the requirements of the PA Uniform Construction Code.

609 Functional Families**609.1 Purpose**

This §609 is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.

609.2 Special Exception; Standards

The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the standards of §1108.4 and, among others, the following considerations:

- A. Proposed occupants:
 - 1. Share a strong bond or commitment to a single purpose (e.g. religious orders);
 - 2. Are not legally dependent on others not part of the functional family;
 - 3. Can establish legal domicile as defined by Pennsylvania law;
 - 4. Share costs of food, rent or ownership, utilities and other household expenses;

5. Prepare food and eat together regularly;
 6. Share in the work to maintain the premises;
 7. Legally share in the ownership or possession of the premises; and
 8. Share the entire dwelling unit or act as separate roomers.
- B. Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:
1. The length of stay together among the occupants in the current dwelling unit or other dwelling units;
 2. The presence of minor, dependent children regularly residing in the household;
 3. Whether the household is a temporary living arrangement or a framework for transient living; and
 4. Whether the composition of the household changes from year to year or within the year.
- C. Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

609.3 Conditions

The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

610 Bed and Breakfast Establishments

Bed and breakfast establishments shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

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

611 Reserved

612 Temporary Housing

All dwelling units, whether proposed as permanent dwelling units or for temporary use, shall comply with all applicable requirements for the type of dwelling unit as defined in Article 3 and regulated by this Ordinance.

ARTICLE 7
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION

701 Performance Standards Applicable to All Uses in All Districts

- A. Intent and Applicability - The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectional condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all existing, proposed new or expanded nonresidential uses. The standards in this §701 shall not apply to agricultural uses unless explicitly referenced by a specific section.
- B. Affidavit
1. With the exception of residential uses, the applicant for a Zoning Permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards in this §701 and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards.
 2. Where there is reason to believe that the nature of the proposed use would make it difficult to comply with applicable standards, the Zoning Officer may require the applicant to submit plans of the proposed construction. Also, a description of the proposed machinery, operations and products, and specifications for the mechanisms and techniques to be used to comply with this §701. However, no applicant shall be required to reveal the secret details of any manufacturing operation or trade data and may specify that the plans or other information submitted pursuant to this §701 shall be treated as a confidential matter.
 3. Regardless of whether or not a use is required to comply with the procedure specified in this §701B, every use shall comply with all performance standards.

701.1 Yards and Buffers

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

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

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

- B. The width of the required buffer, as determined by the Township, shall not be less than ten (10) feet.
- C. A mix of ground cover and shrubby vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
- D. Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
- E. In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.
- F. Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of guaranteeing installation in accord with the requirements for "land developments" in the Township Subdivision and Land Development Ordinance. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

701.2 Landscaping

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

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
- C. Plants shall be of a type which are proven successful in the Township's climate.
- D. Where landscaping is required to serve as a buffer (e.g.. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All unusable areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Plastic or other artificial materials shall not be used in place of plants.

- I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. All shrubs not used for ground cover shall be at least five (5) gallons in size.
- L. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- M. All landscaping shall be maintained in good growing condition by the property owner.

701.3 Operations and Storage

All facilities and operations of any principal use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and conducted within a building except as follows:

- A. Sales Area - One outdoor sales area meeting the required setbacks for the district shall be permitted not to exceed the lesser of ten (10) percent of the interior retail sales space or five hundred (500) square feet.
- B. Conditional Use/Special Exception
 - 1. Outdoor storage for other uses may be approved as a conditional use for a use listed as conditional use by the Schedule of Uses and as a special exception for a use listed as a special exception.
 - 2. In the case of a use listed as a principal permitted use by the Schedule of Uses, outdoor storage shall be considered a special exception.
 - 3. Larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way may be required.
- C. Minimum Setback - Unenclosed uses and activities shall, in any case, be a minimum of 50 feet from any existing residential structure or any AG or RES District, unless a greater setback is required by this Ordinance.
- D. Storage in Setback and Parking Areas - Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback or parking areas.
- E. Motor Vehicles, Truck Trailers or Other Containers - See §503.1,C for storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.

701.4 Fire and Explosion Hazards

- A. Safety Devices; Suppression - 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.
- B. Burning - Burning of waste materials in open fires is prohibited.

- C. Other Requirements - The relevant provisions of Federal, State and local laws and regulations shall also apply.
- D. Hazard Details - Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the Township.
- E. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas, fencing or other safety elements may be required by the Township if the nature of the proposed use as determined by the Township so requires.

701.5 Electromagnetic Radiation and Radioactive Radiation

- A. Electromagnetic Radiation - It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission and other applicable regulations.
- B. Radioactive Radiation - No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with all applicable state and federal regulations.

701.6 Noise

A. Definitions:

1. A-weighted Noise Level (dBA) - A measure of sound pressure in decibels with the sound pressure scale adjusted to conform with the frequency response of the human ear. A sound level meter that measures A-weighted decibels, designated as dBA, has an electrical circuit that allows the meter to have the same sensitivity to sound at different frequencies as the average human ear (2007, Australian Academy of Science).
2. Equivalent Noise Level (Leq) - The dBA level of a steady state sound which has the same dBA weighted sound energy as that contained in the actual time-varying sound being measured over a specific time period (2003, Eilar Associates, Encinitas, CA).
3. Ambient Noise Level - The average A-weighted Noise Level (Leq) at any specified point which is representative of the noise level of that environment over an extended period of time. It is a composite of all sounds from sources, both near and far.
4. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity (e.g., a wind farm), that produces noise as a consequence of its operation. A collection of equipment may not necessarily be connected or related, if they may be operated simultaneously.
5. Suspect Source - A Noise Source that may be in violation of this ordinance, identified by the nature of sounds or a correlation with the times of operation and the alleged violation.

B. Limits

1. Ambient Noise Level Threshold

- a. No Noise Source shall produce an A-Weighted Noise Level at any point in the Township outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of ten (10) dBA above the Ambient Noise Level.
- b. An increase in excess of ten (10) dBA shall be permitted provided the owner/operator of the Noise Source acquires a noise easement in form and content approved by the Township (solely with respect to the noise easement) from the affected property owner which establishes the maximum increase. However no increase shall be permitted for properties separated by any public road right of way and in no case shall the maximum noise level exceed the level established by §701.6.B.3.

2. Ambient Noise Level - For projects being developed, the Ambient Noise Level for the entire project may be established prior to construction of such project for the duration of construction and operation of such project by measuring the noise level near the boundaries of the property on which the project is to be constructed in accordance with §701.6.C below for a continuous two (2)-week period no more than two (2) years prior to the start of construction of such project.

3. Maximum Noise Level - Notwithstanding any of the foregoing provisions of this §701.6.B, in no event shall a Noise Source produce an A-Weighted Noise Level outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of the limits established in the following Maximum Sound Levels Table:

Maximum Sound Levels					
Period	Receiving Land Limits (dBA)				
	Existing Dwelling	Zoning District			
		R	RA	C	I
Monday-Saturday, 7:00 a.m. - 9:00 p.m.	60	60	60	65	70
Saturday, 9:00 p.m.- Monday. 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m.	50	50	55	60	70

C. Measurements

- 1. Type and Certification - All noise level measurements shall be made using a sound level meter meeting American National Standard Specification for Sound Level Meters (ANSI S1.4-1983 (R2001)/ANSI S1.4A-1985 or the current revision of that standard) for Type 1 instruments. The instrument shall have been laboratory re-certified according to the manufacturer’s directions within the periodicity required by the manufacturer (usually 1- or 2-year interval) prior to the measurements.
- 2. Methods - All measurements shall be taken using the FAST response time and A-weighting.
- 3. Field Calibration - A field calibration check, using a certified field calibrator, shall be performed at the beginning and end of the measurement period and reported with the other data.

4. Proposed Projects

- a. For projects establishing an Ambient Noise Level for the project prior to the approval of such project, the average A-weighted Noise Level (Leq) shall be measured at multiple points near the outside boundaries of the property on which the project is to be constructed for a continuous two-week period no more than one (1) year to the start of construction of such project.
- b. Measurements should be attempted to be performed near outside boundaries which are closest in proximity to where the Noise Source will be located and/or where noise is reasonably expected to be the loudest.
- c. The measurements must be made by an independent professional using the commonly-accepted measurement procedures specified in ANSI/ASA S1.13-2005 (R2010) standard "American National Standard Methods for the Measurement of Sound Pressure Levels In Air" or the current revision of that standard.

D. Investigation of Complaints

1. Initial Determination

- a. In the event a complaint is received regarding a Suspect Source, the Zoning Officer shall first determine that the complaint is valid by visiting the site of the complaint and the site of the Suspect Source.
- b. If the nature of the sound at the site of the complaint is not similar to the nature of the sound produced by the Suspect Source, and if the subjective noise levels do not correlate with the operation of the Suspect Source, then the Zoning Officer shall file a report noting those observations, and shall notify the complainant and the owner/operator of the Suspect Source that the complaint has not been validated.

2. Test Date

- a. If, by the nature of the sound, or correlation with the operation of the Suspect Source, the Zoning Officer determines a complaint to potentially be valid, the Zoning Officer shall arrange a date and time with the complainant and the owner/operator of the Suspect Source to conduct a test.
- b. The test should be close to the time of day and day of week of the complaint, but shall not represent an unreasonable burden on the complainant or the owner/operator of the Suspect Source.

3. Background Noise Level

- a. The Zoning Officer shall conduct an average background A-weighted Noise Level measurement before and after the operation of the Suspect Source using commonly-accepted measurement equipment and standards; provided that at the election of the owner/operator, the owner/operator may engage an independent professional to conduct such measurements mutually agreed to by the Township, at the cost of the owner/operator.
- b. At the direction of the Zoning Officer, the owner/operator of the Suspect Source shall operate the equipment according to normal operating procedures according to design limits, or the maximum approved limits of the special exception approval, whichever is lower, for the duration of the test.

- c. The owner/operator may be required to operate the equipment in any mode or for any use that the equipment is normally or occasionally used. The owner/operator shall not be required to operate the equipment in any manner inconsistent with the design or normal use, nor in any unsafe manner.

4. Average Background A-weighted Noise Level

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

5. Measurements

- a. Measurements of the average A-weighted Noise Level (Leq) with the Suspect Source in operation shall be conducted as soon as possible after obtaining the background noise level measurements without the Suspect Source in operation and shall be made for the length of time the source will normally be in operation, but in any case shall not be less than five (5) minutes and need not be any longer than 15 minutes.
- b. If manual measurements are being taken, the measurements shall be recorded every fifteen (15) seconds. If an automatic recording device is being used, the recording interval shall be one (1) second, or the closest fixed or variable interval allowed by the meter and recording equipment.
- c. The equation for deducing the A-weighted Noise Level (Leq) being produced by the Suspect Source (L_s) shall be as set forth below where L₁ equals the measured average A-weighted Noise Level (Leq) of the background without the Suspect Source in operation and L₂ equals the measured average A-weighted Noise Level (Leq) of the background with the Suspect Source in operation. Basically, L_s equals L₂ minus L₁ as shown in log notation below which is the basis for decibel calculations.

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

- E. Report - After completion of the background noise level measurements before and after the operation of the Suspect Source, the report of the Zoning Officer (or the independent professional, if engaged by the owner/operator of the Suspect Source) shall include:
 - 1. The instrument manufacturer, model, type, serial number, and laboratory re-certification date of the sound level meter and the field calibrator.

2. The level of the field calibration after making any adjustment of the sound level meter.
 3. The location of the noise level measurements, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 4. The location of the Suspect Source by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 5. A description of the Suspect Source in operation, sufficient to allow someone to recreate the conditions of the test.
 6. The weather conditions at the time of measurement, including temperature, relative humidity, wind speed and direction, cloud cover, and an impression of the temperature gradient.
 7. The time at which noise level measurements were started and stopped.
 8. The time at which the operation of the Suspect Source was started and stopped, and when measurements were started and stopped.
 9. For manual measurements:
 - a. a table of lines and sound levels as reported on the meter
 - b. the calculated A-weighted Noise Level for each set of measurements
 10. For automatic measurements:
 - a. a notation of the time the instrument was started and the time stopped
 - b. the reported A-weighted Noise Level
 - c. if the instrument can report each data point, an electronic form of the data, including each measurement time and level, and a description of the data format shall be retained as a supplement to the report
 - d. a calibration mark using the field calibrator
 11. A list of witnesses or other persons present during the measurements.
 12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.
- F. Studies for Proposed Use - Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §701.6 by providing reasonable documentary evidence, which may include:
1. Engineering studies which estimate the environmental noise levels from the proposed equipment operations and the impact of mitigation measures applied to the equipment and/or site; and/or
 2. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).

Given the inherent vagaries of acoustic predictions and the variability of acoustic measurements, the Zoning Hearing Board may apply conditions which are more conservative than would be indicated by the studies. In any case, the acceptance of proposed control or mitigation measures does not relieve the applicant from complying with the standards provided in this ordinance and/or a special exception approval.

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

1. Radiated noise levels for vehicles or other operations subject to state or federal preemption; however, the operators of violating sources may offer modifications to radiated noise levels of equipment as a curative means.
2. The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between 8 AM and 6 PM local time.
3. Emergency equipment and signals.
4. Emergency operations of any kind, including, but not limited to, road repairs, utility repairs, response to accidents, injuries, fires, flooding, or hazardous material spills.
5. Short duration activities, such as construction or repair of facilities or infrastructure.

701.7 Vibration

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

701.8 Lighting and Glare

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 of North America (IESNA) shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

- A. Exemption - This §701.8 shall not apply to street lighting that is owned, financed or maintained by the Township or State.
- B. Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.

- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- G. Type - The use of mercury vapor lighting shall be prohibited.
- H. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights accessory to residential structures and which are lighted only for temporary periods.

701.9 Smoke

No emission of smoke shall be permitted from any chimney or otherwise, except in full compliance with PA Department of Environmental Protection requirements.

701.10 Odors

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

701.11 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

701.12 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination.

- A. Report - The Township may require the applicant to submit a report from a qualified engineer or geologist detailing:
 - 1. The geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality.
 - 2. 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.
 - 3. The use of ground water and any processes that could result in the depletion of ground water supplies.
- B. Large Volume Use - In cases where the use requires the use of ten thousand (10,000) gallons per day or more of groundwater, 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.
- C. Conditional Uses and Special Exceptions - In the case of conditional uses and special exceptions 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.

701.13 Storm Water Management and Soil Erosion Control

A. Stormwater Management

1. A storm water management 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. In the case of the Lake Winola Watershed Overlay District, such plan shall be required.
2. The plan shall be prepared and implemented pursuant to the standards contained in the Township Subdivision and Land Development Ordinance or other applicable Township regulations, County Conservation District standards, and any applicable PA DEP requirements; and shall be based on generally accepted engineering principles and best management practices appropriate for the proposed use.
3. 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.

B. Soil Erosion and Sedimentation Control

1. All soil erosion and sedimentation control plans shall meet the specifications of the County Conservation District and PA DEP, and shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control.
2. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the County Conservation District. Failure to install and maintain the controls shall constitute a violation of this Ordinance.

701.14 Waste Materials

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

701.15 Handicapped Access

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

701.16 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 special exception, and the Zoning Hearing Board shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high.

701.17 Security

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

701.18 Water Supply

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

701.19 Sewage Disposal

Sewage disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Township and the Pennsylvania Department of Environmental Protection. 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.

701.20 Travel Routes; Access

- A. Travel Routes - The Applicant shall provide a map showing the public roads proposed to be used to travel to and from the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.
- B. Access - In cases where a lot has access to a state and Township road, access to the lot shall be from the state road.

701.21 Other Regulations

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

the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

702 Placement and Screening of Waste Containers

702.1 Screening

All trash dumpsters shall be screened on three (3) of four (4) sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

702.2 Setback

Any solid waste container with a capacity over fifteen (15) cubic feet shall be kept a minimum of fifteen (15) feet from any property line.

702.3 Food Sales

Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least one (1) outdoor solid waste receptacle for customer use at a convenient location outside of the main exit door of the property. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.

702.4 Enclosed Containers

Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodents and insects.

703 Reserved

704 Special Conservation Standards

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

704.1 Steep Slope Areas

Steep slopes shall be defined as slopes in excess of twenty-five percent (25%) grade as determined by the Zoning Officer, from 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 special exception, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Zoning Hearing Board and Planning Commission shall be satisfied that the following performance standards have been or will be met:

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount

of runoff expected, an erosion control plan and schedule for completion of work.

- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
- F. 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.
- G. 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.
- H. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- K. Natural vegetation shall be preserved to as great a degree as possible.
- L. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

704.2 Wetlands

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

704.3 Buffer for Water Bodies (See §405.7 for Lake Winola Watershed.)

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.

704.3 Floodplain

Floodplain shall be governed by the floodplain regulations contained in the Township Building Code ordinance of 1992, as amended.

704.4 Bedrock Disturbance

See §701.12 and §705.5.

705 Earth - Bedrock Disturbance**705.1 Intent**

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

705.2 Permit

Any activity, except in cases where zoning or subdivision and land development approval has been otherwise granted, which will result in the earth disturbance of more than one-half (0.5) acres of land area shall require a zoning permit. (See §405.8 for Lake Winola Watershed.)

705.3 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.

705.4 Soil Erosion and Sedimentation and Storm Water Control

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

705.5 Bedrock Disturbance - Aquifer Protection

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

705.6 Revegetation/Reforestation

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

706 Property Line Buffer Areas

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

706.1 Natural Vegetation

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

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

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

706.2. Buffer Areas

In addition to the requirements of §706.1, the following requirements shall apply to all parcels in COM and IND Districts, and to all parcels of four (4) acres or more in all other districts:

- A. A buffer of not less than seventy-five (75) feet in width shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge. This buffer shall be maintained until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance.
- B. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

ARTICLE 8
STANDARDS FOR SPECIFIC USES

In addition to all other applicable standards in this Ordinance, the standards in this Article 8, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Ordinance sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.

801 Adult Businesses

801.1 Findings

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

- A. The concern over sexually transmitted diseases is a legitimate health concern of The Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the

owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- H. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view “adult” oriented films.
- I. Classifying adult businesses as special exceptions is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- J. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- K. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- L. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

801.2 Intent

It is the intent of this §801 to:

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

801.3 Special Exception in the IND District

Adult businesses are classified as special exceptions in the IND District, which provides a suitable area for the

development of such uses away from areas designated for residential development.

801.4 Standards

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

- A. Setback - Adult businesses shall not be located less than:
1. Two hundred (200) feet from any public road right-of-way (or any property line coterminous with or within a public road right-of-way) unless the standards in §§3 and§§ 4 of this §801.4,A require larger setbacks;
 2. Two hundred (200) feet from any property line (not coterminous with or within a public road right-of-way; see §801.4,A,1) unless the standards in §§3 and§§ 4 of this §801.4,A require larger setbacks;
 3. Four hundred (400) feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
 4. One thousand (1,000) feet from any:
 - a. church or synagogue
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within two hundred and fifty (50) lineal feet of any existing adult business.
- C. Measurement - The setback distances established in this §801 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- D. Enlargement - An existing, lawful adult business may be expanded as a special exception once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, but only in accord with Article 9 of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §801 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in Subsection "E" above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined

and regulated by this Ordinance be changed to any type of adult business.

- G. Location of New Neighboring Uses -An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a special exception permit, a use from which an adult business is required to provide a setback under Subsection "A" above is developed within the required setback distance. Any additions or expansions of the use shall comply with Subsection "A" above.
- H. Visibility and Signs: - No sexually explicit material, signs, display, silhouette or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of §505 of this Ordinance; however, business identification signs shall be limited to a maximum of twenty (20) square feet and signs attached to the building facade shall be limited to a maximum total of ten (10) square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation.
- I. Exemption for Modeling Class: It is a defense to prosecution under this §801 that a person appearing in a state of nudity did so in a modeling class operated:
1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
 4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

802 Reserved

803 Agricultural Uses -- Crop Production and Livestock Operations

Agricultural uses, including crop production and livestock operations, shall be permitted in all Districts; except, in the RES and COM Districts where livestock operations shall not be permitted. In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

803.1 Crop Production

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

803.2 Livestock Operations

Livestock operations shall not be permitted in RES or COM Districts.

803.3 State Protected Agricultural Operations

Nothing in this §803 is intended to preclude the rights and protections of bona fide agricultural operations afforded

by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and projections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

803A Agritourism Enterprises

In addition to all other applicable requirements, the following requirements shall apply to an agritourism enterprise activity incidental to and directly supportive of the agricultural use of the property.

803A.1 Location; Parcel Size

Agritourism enterprises shall be on the same parcel or lot with an existing and operating agricultural use having a minimum lot area of ten (10) acres.

803A.2 Permitted Activities

The following activities, and activities that the applicant demonstrates are closely similar in use and operation, shall be permitted as an agritourism enterprise.

- A. U-pick operations (i.e., berry or fruit picking).
- B. Wineries, distilleries, breweries and tours and tasting rooms associated with these facilities.
- C. Production of products from items grown/raised on the farm (including, but not limited to, wine, cider, dairy products, ice cream, baked goods, and clothing products), provided that at least twenty-five (25) percent of all the raw materials used in the production of the items are grown/raised on the farm or from a facility in same ownership for sale of products. This shall not apply for a start-up period of five years.
- D. Local agricultural products retail operations provided that at least twenty-five (25) percent of all of the items for display or sale are grown, raised or produced on the property or from a facility in same ownership for sale of products.
- E. Agriculture related interpretive facilities and exhibits.
- F. On-site tours.
- G. Walking and bicycle tours and trails.
- H. Christmas tree sales, cut-your-own.
- I. Corn mazes.
- J. Horseback/pony rides.
- K. Petting zoos, in accordance with the following: Shall be located not less than one hundred (100) feet from any property line and not less than one hundred twenty-five (125) feet from any residential use on adjacent properties and shall be located on a minimum of twenty-five (25) acres.
- L. Additional uses listed in the applicable district Schedule of Uses may be permitted in accord with all applicable requirements.

803A.3 Prohibited Activities

Activities that are not permitted as part of an agritourism enterprise include, but are not limited to, concentrated animal feeding operations (CAFO) or any other use not in compliance with this §803A.

803A.4 Food Service

Packaged snacks, catered food and food vendors are permitted on site during activities for any permitted agritourism use. All food and/or beverages sold for consumption on site shall comply with federal, state, and local regulations.

803A.5 Hours of Operation

The applicant shall identify the anticipated hours of operation for the agritourism enterprise.

803A.6 Outdoor Lighting

Outdoor lighting shall be limited to that needed to provide illumination of parking areas for three (3) or more cars after dark and for pedestrian accessways. Lighting shall comply with §701.8.

803A.7 Parking

Off-street parking shall be provided in accordance with §504. The applicant shall provide details as to how the number and type of spaces provided will meet the needs of the proposed use. In no case shall parking be permitted in a location that would require visitors to have to cross a public road.

804 Airports And Heliports

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

804.1 Special Exception

The existence of airport hazard zones limits the uses of surrounding landowners. No airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones, and no new airport shall be developed unless special exception approval has been granted. In addition to the requirements of §1208 of this Zoning Ordinance, the following procedures and criteria shall apply to any airport special exception application. The following shall constitute changes at an airport requiring special exception approval prior to the change:

- A. Any extension of a runway's length or location;
- B. Any change in the height of a runway;
- C. The paving of any previously unpaved portions of a runway, if such paving results in any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone;
- D. Any change of runway direction or alignment;
- E. Any change in the status of taxiways or holding areas effecting the location areas of airport hazard zones;
- F. Any change in airport rating category under 67 Pa. Code §471.5 as amended, effecting or altering the location or extent of any airport hazard zone.
- G. Any other physical, legal or rating change, or change in methods of operation, flight paths or change in instrumentation or technology resulting in a change in the location or extent of any airport hazard zone.

804.2 Application Contents

The application for special exception shall contain the following documents and information:

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

804.3 Engineering Review

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

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

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

804.5 Criteria to Review

In acting on a special exception, the Zoning Hearing Board shall consider:

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

- G. The provision of hazard lighting and marking;
- H. The importance of aircraft safety.

804.6 Runway and Landing Pad Setbacks

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

805 Animals, Keeping of

805.1 Kennels and Animal Shelters

In addition to the other applicable standards of this Ordinance, kennels and animal shelters shall comply with the following:

- A. Parcel Size - A minimum parcel of two (2) acres shall be required.
- B. Setbacks - Any structure used for the keeping of dogs shall meet the setbacks on Table 805-1.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) animals kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all animal areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from 8:00 P.M. to 8:00 A.M.
- F. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in Subsection "B" of this §805.1 and shall be disposed of properly. The facility shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

TABLE 805-1 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES				
Type of Use	Minimum Lot Size (acres)	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stable RES, COM, IND	2	75	75	100
Private Stable AG	2	50	50	100
Commercial Stable AG only	5	100	75	100
Kennel/Animal Shelter AG, IND only	2	125	100	200

*Applies to any public or private road right-of-way.

**Applies to any existing principal residential or commercial building not located on the project premises.

805.2 Stables, Private

Private stables are permitted as an accessory use to a single-family residence in any District subject to the following conditions:

- A. Parcel Size - A minimum parcel size of two (2) acres shall be required for the residence and stable.
- B. Number of Horses - No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional full one (1) acre of land in excess of the minimum lot size required in Table 805-1.
- C. Reserved
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one (1) space provided per two (2) horses boarded on the premises which are not owned by the residents of the dwelling.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals (not including pastures), concentrated confinement of animals or manure storage shall meet the setbacks on Table 805-1. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 805-1, may be permitted as a special exception provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. 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.
- I. Nuisances - The operation of the horse farm shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- J. Uses Permitted - The following types of uses shall be permitted as part of the operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way.
 - 3. Boarding of horses, and necessary buildings and structures.
- K. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
 - 1. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.

2. Commercial horse racing.
3. Sale of horses other than the horses raised or boarded on the premises.
4. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.

805.3 Stables, Commercial and Horses for Hire

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

- A. Parcel Size - A minimum parcel of five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - No more than three (3) horses are kept with the exception that one (1) additional horse may be kept for each additional one (1) full acre of land in excess of five (5) acres.
- C. Reserved
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals (not including pastures), concentrated confinement of animals or manure storage shall meet the setbacks on Table 805.1. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback
- G. 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.
- H. Nuisances - The commercial stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- I. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way.
 3. Boarding of horses, and necessary buildings and structures.
 4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.

5. Sale of horses other than the horses raised or boarded on the premises.

J. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:

1. Commercial horse racing. (See definition of “private recreation facilities”.)
2. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance.

805.4 Zoos, Menageries, and Wild and Exotic Animals

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

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

806 - 807 Reserved

808 Bulk Fuel Storage Facilities

In addition to all other applicable standards, bulk fuel storage facilities shall be subject to the specific regulations and requirements in this section and shall be permitted only in those districts as specified in the Schedule of Uses. The Township shall establish, as part of the special exception process, such other conditions such as increased

setbacks and construction of dikes as necessary to protect the public health safety and welfare.

808.1 Setbacks

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

808.2 Fence

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

808.3 Other Regulations

Bulk fuel storage facilities shall be developed in complete compliance with all applicable local, state, federal and insurance regulations and requirements and the applicant shall provide documentation confirming compliance.

809 Communication Devices

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, other commercial antennae and associated facilities, and certain antennae accessory to residential structures. Such CCD and associated facilities shall be permitted only in the districts as provided on the Schedule of Uses. (See also Section 501.3 - Height Limitations.)

809.1 Purposes

- A. To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To minimize the adverse visual effects of communication devices and support structures through proper design, siting and vegetative screening.
- C. To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.
- D. To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

809.2 Use Regulations

A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in all Districts as an accessory use and special exception approval shall not be required. The applicant shall provide the following information:
 1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.

2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
 3. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall be permitted only in AG and IND Districts and shall require special exception approval in accord with this Section 809.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use - A telecommunications facility shall be permitted on a property with an existing use subject to the following land development standards:
1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 4. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

809.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate, using technological evidence, that the CCD must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service.
- B. Co-location; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a one (1) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby

documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:

1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily. No CCD that is taller than this minimum height shall be approved.
- D. Parcel Size; Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum parcel size and setbacks in this Subsection D shall apply.
1. Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet. The distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall be the largest of the following:
 - a. Thirty (30) percent of the height of the support structure and CCD.
 - b. The minimum setback in the underlying zoning district.
 - c. Forty (40) feet.
 2. Lease, License or Easement - If the CCD is unmanned and the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, the lease, license or easement area shall be of such size that all required setbacks are satisfied.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting

Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.

- F. Fencing - A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Co-location; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for a minimum of four (4) other providers.
- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access; Required Parking - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the CCD 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.
- K. Color and Lighting; FCC and PA DOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.

- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- N. Discontinued Use - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- O. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township Subdivision and Land Development Ordinance. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.
- P. Recording of Plan - Recording of a plat of subdivision or land development shall not be required for a lease, license or easement parcel on which a CCD and support structure is proposed to be constructed, provided the CCD is unmanned.

810 Concentrated Animal Feeding Operations

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

810.1 Use Classification

Concentrated animal feeding operations shall be considered special exceptions.

810.2 Definition and Calculations

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

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

*NOTE: average number on a typical production day

810.3 Standards

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

- A. The minimum parcel size (contiguous owned or rented acres) for a CAFO shall be twenty-five (25) acres for a CAFO involving poultry and one hundred (100) acres for any other CAFO.
- B. CAFO buildings used for housing of animals shall not be less than two hundred fifty (250) feet from any property line and not less than five hundred (500) feet from any existing dwelling not located on the land with the CAFO.
- C. A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- D. A stormwater management plan shall be prepared meeting the requirements of the Township subdivision and land development ordinance.
- E. A conservation plan shall be prepared meeting the requirements of the County Conservation District.
- F. A buffer plan shall be prepared in accord with §701.1 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property.
- G. Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared.
- H. The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.
- I. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and federal regulatory agencies
- J. The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.
- K. The applicant shall dispose of solid and liquid waste daily in the manner that will avoid creating insect or rodent problems and minimize odor.
- L. The applicant shall document that the use of pesticides will meet state and federal requirements.
- M. No CAFO buildings shall be erected in the one hundred-year flood plain.

811 Contractor Yards and Staging Areas for Equipment/Materials

The intent of this section is to provide standards for access to public roads and setbacks for storage yards for forest

products and minerals. (See definition of *contractor yards* and *staging areas for equipment/materials* in Article 3.)

811.1 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township road bonding requirements.

811.2 Setbacks

- A. Residential and Nonresidential Buildings - Contractor yards and staging areas for equipment/materials shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.
- B. Property Lines - Contractor yards and staging areas for equipment/materials shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Contractor yards and staging areas for equipment/materials Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Contractor yards and staging areas for equipment/materials shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. 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.

812 Reserved

813 Correctional Facilities

In addition to all other applicable standards, correctional facilities shall be in strict conformity with the following specific requirements and regulations.

813.1 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of ten (10) acres.

813.2 Site Design Standards

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

- A. The building shall not be less than one hundred (100) feet from any property line and the right-of-way line of

any abutting public road.

B. A perimeter security fence may be required by the Township.

813.3 Security

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

813.4 Accessory Uses and Ancillary Activities

Accessory uses permitted shall include laboratories, offices, snack bars, educational facilities and programs, vocational training facilities and programs, recreational and sports facilities and other accessory uses ordinarily provided in conjunction with a correctional facility.

814 - 815 Reserved

816 Explosives and Fireworks Plants or Storage Facilities

Explosives plants or storage facilities and fireworks plants or storage facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards of this Ordinance, the requirements of this §816 shall apply.

816.1 Setbacks

Setbacks for the facilities shall comply with state and federal regulations. Ancillary facilities such as offices, employee parking, truck parking and loading and accessory structures and uses shall comply with the buffer requirements in §816.2.

816.2 Buffer

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

all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

816.3 Parking and Staging Areas

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

816.4 Local, State and Federal Regulations

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

816.5 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §816.5, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
- B. Hazardous Materials Inventory - An inventory of hazardous materials, a drawn-to-scale site plan of their locations, and a brief explanation of the hazards involved, are submitted for use by public safety officials.
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations.
- D. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1108.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

816.6 Reporting Requirements

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

817 - 818 Reserved

819 Industrial Wastewater Treatment Facilities and Water Withdrawal Facilities

Industrial wastewater treatment facilities and water withdrawal facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards of this Ordinance, the requirements of this §819 shall apply.

819.1 Setbacks

The following setbacks shall be maintained for the facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements in §819.2.

- A. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
- B. Residential Structures - Three hundred (300) feet to any existing residential structure not located on the project parcel.

- C. Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.

819.2 Buffer

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

819.3 Parking and Staging Areas

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

819.4 Local, State and Federal Regulations

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

819.5 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §819.5, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations.
- C. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.

819.6 Reporting Requirements

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

820 Junk Yards**820.1 Compliance**

Junk yards shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to the standards in Article 7, §1108 and other applicable regulations, shall comply with the requirements in this §820.

820.2 Property Owner Responsibility

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

820.3 Operating Standards

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

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - All junk yards shall be screened, to the satisfaction of the Zoning Hearing Board, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Zoning Hearing Board. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than one hundred (100) feet from any public road right-of-way, one hundred (100) feet to any property line or one hundred and fifty (150) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this §D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this §D.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Zoning

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

- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Zoning Hearing Board deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Zoning Hearing Board, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with DEP requirements.
- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

821 Reserved

822 Mineral Extraction

In addition to other applicable standards of this Ordinance, this §822 shall apply to minor mineral extraction, major mineral extraction including oil and gas well operations.

822.1 Findings

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

822.2 Intent; Oil and Gas

- A. Intent - The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of special exceptions, to establish the foundation for any conditions required to protect the public health, safety and general welfare.
- B. Oil and Gas Wells; Horizontal Capture of Natural Gas - Oil and gas wells shall comply with this §822 and the other applicable requirements of this Ordinance. However, the horizontal capture of natural gas or oil 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.

822.3 Use Classification; Minor Mineral Extraction; Mineral Processing a Separate Use

- A. Use Classification - Minor mineral extraction, major mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. Minor Mineral Extraction - The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations.
 1. Extent of Operation - Mineral extraction operations with an open face of ten thousand (10,000) square feet or less which will not result in a total disturbed area of more than two (2) acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *minor mineral extraction*.
 2. Duration - The duration of the minor mineral extraction process shall not exceed one-hundred eighty (180) days and reclamation of the entire site shall be completed within one (1) year of the issuance of the zoning use permit.
 3. Subdivision - The subdivision of a parcel to qualify for additional minor mineral extraction uses shall not be permitted.
 4. Oil and Gas Operations Wells - No oil or gas well shall be considered minor mineral extraction.
- C. Mineral Processing (See also §826.)
 1. Separate and Distinct Use; Special Exception in Specified District - Any use which involves the refinement

of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated by this Zoning Ordinance.

2. Incidental with Extraction Operation - This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a major mineral extraction operation.
3. Conforming Operation - In the AG District, mineral processing shall be permitted only in association with a conforming major mineral extraction operation.

822.4 Standards

In addition to the performance standards in §701 and all other applicable standards of this Ordinance which are not preempted by state statute, minor mineral extraction, major mineral extraction and oil and gas wells shall comply with the following:

- A. Parcel Size: The minimum parcel size shall be:
 1. Ten (10) acres for minor mineral extraction.
 2. Fifty (50) acres for major mineral extraction.
 3. No minimum parcel size shall be required for oil and gas wells; parcel size is determined by required setbacks. Multiple wells may be permitted on one (1) well pad. Well pads, disturbed areas and production equipment placement shall not cross parcel boundary lines except for crossing of access roads.
- B. Setbacks - Setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.
 1. Major Mineral Extraction and Minor Mineral Extraction - A setback of one hundred (100) feet shall be maintained between any minor mineral extraction or major mineral extraction operation and any associated disturbed areas and adjoining properties and public road rights-of-way.
 2. Oil and Gas Wells - A setback of three hundred (300) feet shall be maintained from any oil or gas well pad and all adjoining property lines and road rights-of-way, and one thousand (1,000) feet to any principal residential structure not on the project parcel.
- C. Buffers - In determining the type and extent of the buffer required for special exceptions, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 2. Buffers shall be designed in accord with §701.1 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.

3. It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- D. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township road bonding requirements.
1. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
 2. 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.
- E. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a special exception, the Zoning Hearing Board shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions imposed by the Zoning Hearing Board 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.

822.5 Local, State and Federal Regulations

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

822.6 Informational Requirements

The applicant shall provide:

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
- B. Surface and Ground Water Protection - The Township may require for major mineral extraction and for minor mineral extraction the applicant to submit details about ground and surface water protection (see §701.12).
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations
- D. Emergency Response - The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.

822.7 Reporting Requirements

For any major or minor mineral extraction operations 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.

822.8 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §822.

823 Mineral Processing

Mineral processing is considered a special exception in certain districts; and, in the AG District, mineral processing shall be permitted only in association with a conforming mineral extraction operation. In addition to all other applicable standards of this Ordinance shall comply with the requirements of this §823.

823.1 Location Requirements

Mineral processing operations shall comply with the following location requirements:

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

1. **AG District** - Two hundred (200) feet to adjoining properties and public road rights-of-way, and three hundred (300) feet to any existing residential structure not located on the project parcel.
2. **IND District** - One hundred (100) feet to adjoining properties and public road rights-of-way, two hundred (200) feet to any adjoining zoning district boundary, and three hundred (300) feet to any existing residential structure not located on the project parcel.
3. **Water Bodies** - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.

B. Buffer

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

823.2 Local, State and Federal Regulations

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

823.3 Informational Requirements

The applicant shall provide the information required by this §823.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1208.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §823, §1102.3,C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. Surface and Ground Water Protection - The Township may require for major mineral extraction and for minor mineral extraction the applicant to submit details about ground and surface water protection (see §701.12).
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.

823.4 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. The Applicant shall also comply with the Township road bonding requirements.

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization -The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.

823.5 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.

823.6 Hours of Operation

Any activity associated with the mineral processing operation that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m.

823.7 Burning

No burning whatsoever shall be permitted on the premises except as part of an approved mineral processing activity.

824 Reserved**825 Mobile Food Service Operations and Mobile Sales Operations**

In addition to all other applicable standards of this Ordinance, the requirements of this §825 shall apply to mobile

food service operations and mobile sales operations (referred to as *operations*).

825.1 Location

- A. Districts - Such operations shall only be permitted in the Districts specified in the Schedule of Uses. Such operations are also permitted in any District as an accessory use to a public or semi-public use.
- B. Parcel Size and Number - A minimum parcel size of ten thousand (10,000) square feet shall be required and one (1) mobile operation shall be permitted on the site. An additional mobile operation for each additional ten thousand (10,000) square feet of lot area, up to a maximum of three (3) operations per site shall be permitted.
- C. Setbacks - The District setbacks for principal structures shall be maintained.
- D. Right-of-Way; Access - The operation shall not be located in any public right-of-way or in any driveway aisles, no parking zones, parking or loading areas, or lanes, or other location which would impede the on-site circulation of motor vehicles.
- E. Vending Area - The vending area includes the space taken up by a portable stand, vehicle, or trailer; signs; equipment; products; and any tents, tarpaulins, canopies, or awnings.

825.2 Operating Standards

- A. Hours of Operation - 7 a.m. to 10 p.m. on weekdays and 7 a.m. to 11 p.m. on weekends and federal holidays.
- B. Music or Sound - The use of any sound amplification is prohibited regardless of the intended purpose.
- C. Signs - Only the following signs shall be permitted and no signs in the public right-of-way or balloons, banners, streamers or other similar devices to attract customers shall be permitted.
 - 1. The total area of all signs, including menus, affixed to the mobile operation (truck, stand, trailer) shall not exceed twenty (20) square feet.
 - 2. One (1) A-frame menu board of up to nine (9) square feet shall be permitted to be placed by the operation within the vending area. The sign may be displayed only during hours of operations.
- D. Parking and Access - A minimum of five (5) parking spaces shall be provided and parking and access shall comply with §504.
- E. Electric Service Connections - Electric service connection to an on-site approved outlet shall be permitted in accord with applicable codes provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons.
- F. Water Supply - Connection to a water supply shall be permitted in accord with applicable codes and regulations.
- G. Sewage Disposal - Sewage disposal shall be provided in accord with Township requirements.
- H. Trash - Adequate trash receptacles shall be provided and trash shall be disposed of to prevent the dispersal or accumulation.

826 Reserved**827 Pipeline Compressor Stations, Metering Stations or Operation/Maintenance Facilities**

Pipeline compressor stations, metering stations or operation/maintenance facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards of this Ordinance, the requirements of this §827 shall apply.

827.1 Standards

The facilities shall comply with the following requirements:

- A. **Building; Noise** - All compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §701.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within three hundred (300) feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.
- B. **Setbacks and Buffers**
1. **Facilities** - The following setbacks and buffers shall be applied to any facilities used to compress, decompress, process, heat, alter or transform the pipeline product:
- a. **Setbacks** - The following setbacks shall be maintained:
- (1) **Property Lines, Road rights-of-Way** - Three hundred (300) feet to adjoining properties and public road rights-of-way.
 - (2) **Residential Structures** - Three hundred fifty (350) feet to any existing residential structure not located on the project parcel.
 - (3) **Water Bodies** - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- b. **Buffer**
- (1) An undisturbed area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of twenty-five (25) feet wide.
 - (3) Design details of buffers shall be included on the site plan, and buffers shall be considered

improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.

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

2. Other Components - Pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product shall not be less than twenty-five (25) feet from any adjoining property line not subject to the right-of-way.

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

827.2 Local, State and Federal Regulations

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

827.3 Informational Requirements

The applicant shall provide the information required by this §827.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §1108.4 of this Ordinance and §603(c)(2) of the Pennsylvania Municipalities Planning Code. The Applicant shall provide the following:

- A. Application Information - The information required by this §827, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. Additional Information - The Township may require the applicant to submit details about ground and surface water protection (see §701.12).
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.
- D. Emergency Response - The Applicant shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township.

827.4 Reporting Requirements

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

828 - 835 Reserved

836 Recycling Facilities

The intent of this §836 is to encourage recycling and thereby reduce litter, increase the volume of material which is recycled and conserve landfill capacity by the convenient location of community recycling facilities including collection and processing facilities. Standards are provided to assure that said facilities are developed in a manner consistent with the community's rural character and which will minimize any negative effects on adjoining residential and commercial uses.

Recycling facilities shall be limited to accepting and processing those materials considered recyclable as defined by this Zoning Ordinance. The inclusion of additional materials for recycling may be considered by the Township as a special exception provided the applicant provides evidence that the intent and level of control of this §836 are not compromised.

All recycling facilities shall be permitted in those districts and as classified by the Schedule of Uses and in addition to the special exception standards, commercial standards, and all other applicable standards in this Ordinance, the standards in this §836 shall apply as indicated. The requirements of this §836 shall not apply to Township sponsored recycling facilities.

836.1 Small Collection Facilities

In addition to all other applicable standards in this Ordinance, small collection facilities shall comply with the following standards:

- A. Small collection facilities shall be established only in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and other Township Ordinances.
- B. The total area of all containers shall be no larger than five-hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers.
- C. All containers shall be set back at least twenty-five (25) feet from any street line and shall not obstruct pedestrian or vehicular circulation.
- D. The facility shall accept only recyclables as defined by this Ordinance.
- E. No power-driven processing equipment shall be permitted.
- F. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in accord with the collection schedule.
- G. All recyclables shall be stored in containers or in a mobile unit vehicle, and materials shall not be left outside of containers.
- H. The area shall be maintained free of litter and any other undesirable materials, and mobile facilities, at which truck or containers are removed at the end of each collections day, shall be swept at the end of each collection day.
- I. All containers for the deposit of materials shall maintain the setbacks required for the District. Larger setbacks, buffers, or fencing may be required as deemed necessary by the Township in accord with §701 of this Ordinance.

- J. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and a notice shall be displayed clearly stating that no material shall be left outside the recycling enclosure or containers.

836.2 Large Collection Facilities

A large collection facility is one that is larger than five-hundred (500) square feet but does not exceed twenty thousand (20,000) square feet, or is on a separate property not appurtenant to a host use, and which may have a permanent building. The following standards shall apply in addition to all other applicable standards in this Ordinance.

- A. The facility shall be screened from adjoining properties and the public right-of-way by operating in an enclosed building; or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping.
- B. Setbacks and landscape requirements shall be those provided for the zoning district in which the facility is located; All buildings, structures, containers and stored materials shall maintain the required setbacks. Additional buffers, setbacks, or fences may be required by the Township in accord with §701 of this Ordinance.
- C. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or recyclables shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers shall be visible above the height of the fencing.
- D. The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- E. Space shall be provided on site for at least six (6) vehicles or for the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials.
- F. Parking shall be provided in accord with the parking regulations contained in this Ordinance; and, at a minimum, one (1) parking space shall be provided for each working employee and for each commercial vehicle operated by the recycling facility.
- G. Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
- H. All containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
- I. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of this Ordinance. Directional signs bearing no advertising message may be installed in accord with this Ordinance, if necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way.
- J. Power-driven processing, including aluminum and bi-metal can compacting, baling, plastic shredding, glass crushing, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved, provided noise and other operational concerns are addressed to the satisfaction of the

Township.

836.3 Recyclable Processing Facilities

Recyclable processing facilities, as defined by this Zoning Ordinance, shall comply with all standards applicable to manufacturing uses.

837 - 840 Reserved

841 Self-Storage Facilities

Self-storage facilities shall comply with the following standards in addition to all other applicable standards of this Ordinance.

841.1 Bulk Requirements

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

841.2 Setback Areas

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

841.3 Fence

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

841.3 Habitation

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

841.4 Storage Limitations

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

841.5 Lighting

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

841.6 Fire - Water Damage

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

841.7 Materials Stored

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

842 - 43 Reserved

844 Shooting Ranges and Archery Ranges -- Outdoor

This §844 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.

844.1 Setbacks

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

844.2 Safety Design

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

844.3 Noise Reduction

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

844.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 10:00 PM and 9:00 AM prevailing local time. However, the Township may establish more restrictive time limits as a condition of approval.

844.5 Fence

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

844.6 Posting

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

844.7 NRA, State and Federal Regulations

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

§845 Short-Term Rental Units**845.1 Contact Person**

The owner of the short-term rental unit shall designate a local contact person to be available to address questions and complaints. The owner may be the contact person.

845.2 Meals

Meals shall not be provided to overnight guests of the establishment.

845.3 Occupancy

The owner shall limit overnight occupancy of the short-term rental unit to the specific number of occupants designated in the zoning permit.

- A. Overnight occupancy of a short-term rental unit shall be limited to no more than two persons per bedroom
- B. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be 75 percent of the maximum overnight occupancy of the short-term rental unit.
- C. Overnight occupancy of recreational vehicles, camper trailers and tents, and outdoor overnight sleeping of occupants or guests, are not permitted.

845.4 Sewage Disposal and Number of Bedrooms

- A. Sewage disposal meeting the requirements of the Township and PA DEP shall be provided.
- B. If not connected to a central sewage disposal system the applicant shall provide an evaluation of the system performed by an individual acceptable to the Township Sewage Enforcement Officer including the location, capacity, and age of the on-site sewage disposal system and, prior to issuance of a zoning permit, proof that the sewage tank has been pumped within two years prior to the submission of the zoning application.
- C. An onsite septic system tank must be pumped a minimum of every three years and evidence of the same provided to the Zoning Officer.
- D. The number of bedrooms permitted for a short-term rental unit shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property.
- E. Where there is no sewage permit on record, the short-term rental unit shall be limited to three bedrooms unless proof acceptable to the sewage enforcement officer is provided that the septic system is adequate to handle additional flows.
- F. If a sewage system malfunction occurs, short-term rental unit of the dwelling unit shall be discontinued until the malfunction is corrected in accord with Township and Pennsylvania Department of Environmental Protection requirements.

845.5 Nonconforming Lots

Short-term rental units shall not be permitted on lots which are nonconforming in minimum area.

845.6 Parking

Adequate off-street parking shall be provided in accord with §504 and the following:

- A. The owner shall limit the number of all vehicles of overnight occupants and day guests to the number designated in the zoning permit with the number of all vehicles not to exceed the number of designated on-site parking spaces.
- B. All parking for overnight guests and day guests shall be designated in the zoning permit and shall be located on

the owner's property and not in any private, community or public right-of-way.

- C. A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
- D. All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by the Township Zoning Ordinance.
- E. Each vehicle parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 20 feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
- F. If the short-term rental unit is accessed directly by a Township or State road, all parking spaces shall be accessed from the driveway serving the short-term rental unit and not directly from the Township or State road.

845.7 Lighting

Exterior lighting shall be directed away from adjoining properties, shall be pointed/shielded downward to minimize upward glare, and shall comply with the applicable provisions of §701.8.

845.8 PA Uniform Construction Code

All short-term rental units shall comply with PA Uniform Construction Code requirements.

845.9 Posting Permit and Conditions

The owner of the short-term rental unit shall post a copy of the zoning permit and a copy of the conditions set forth in this §845 in a conspicuous place within the short-term rental unit.

845.10 Posting on Front Door

Each short-term rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:

- A. The E-911 address of the property
- B. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis
- C. The maximum number of occupants permitted to stay in the unit and the maximum number of day guests allowed at any.
- D. The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.
- E. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any)
- F. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up unless a bear proof container exists for use by the occupants.
- G. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this ordinance.

845.11 Information Required

In addition to the other information required by , the applicant shall include with the application:

- A. The name, address, telephone number and email address of the owner of the short-term rental unit for which the zoning permit is issued. If the owner does not have a managing agency, agent, or local contact, then owner shall provide a 24-hour telephone number.
- B. The name, address, and 24-hour telephone number of the short-term rental unit owner's managing agency, agent, or local contact.
- C. A photograph of the short-term rental unit taken from the access roadside
- D. The marketing entity identification number for the short-term rental unit.
- E. Floor plans for the short-term rental unit, including total habitable floor space and total number of bedrooms each containing the required minimum of 80 square feet and the maximum number of overnight occupants permitted in each bedroom.
- F. If the building includes two or more dwelling units, the number of dwelling units and the number of dwelling units being used as a vacation rental unit
- G. A site plan of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
- H. The location, approximate age, and capacity (if known) of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least three years prior to the date of the application for a short-term rental unit zoning permit, or a renewal thereof, for review and approval by the sewage enforcement officer
- I. Acknowledgment that the owner, agent, and/or local contact have read all regulations pertaining to the operation of the short-term rental unit.
- J. Acknowledgment that the owner, agent, or local contact will post and maintain the short-term rental unit with the notices required in §845.9 and §845.10.
- K. Acknowledgment that the owner, agent, or local contact will post and maintain the 911 emergency address sign in accord with applicable requirements
- L. Copy of the current recorded deed of the short-term rental unit property to establish ownership.
- M. Other information the zoning officer deems reasonably necessary to administer this ordinance.

846 Reserved

847 Solar Commercial Facility

In addition to all applicable provisions of this ordinance, this §847 applies to any solar commercial facility (SCF) proposed to be constructed, installed, operated, or decommissioned, and to any upgrade, modification, or structural change that materially alters the size or placement of an existing SCF or its solar energy system(s).

847.1 Application Requirements

In addition to the requirements set forth in this ordinance, the SCF owner and/or applicant shall provide the following as part of the application:

- A. Site Plan - A descriptive site plan including, but not limited to, dimensioned setbacks, locations of property lines, roadways and driveways, location, and size of solar, modules and/or arrays, elevations and heights of buildings and structures, location and detail of perimeter fencing, and buffer and landscaping requirements.
- B. Fire Protection Plan - The site plan shall incorporate a fire protection plan, including, but not limited to, location of hydrants and other on-site and off-site firefighting equipment, and a narrative of same shall be provided to the Township and the Winola Fire Department for review and comment.
- C. Utility Notification - Evidence that the electric utility company has been informed of the owner's and/or operator's intent to install such facility and its intended connection to the utility grid. A copy of the electric utility company's approval to connect to the utility grid shall be provided to the Township if secured at time of application, but not later than at time of application for zoning permit.
- D. Permission to Apply - An affidavit or evidence of agreement between the property owner and SCF owner and/or operator confirming the SCF owner and/or operator has permission to apply for zoning approval.
- E. State and Federal Permits - Copies of all necessary state and federal permits for the construction, installation, operation, and decommissioning of the SCF and its solar energy system(s) shall be provided if secured at time of application, but not later than at time of application for zoning permit.
- F. Agency Documents - Copies of all studies, analyses, reports, certificates, and approvals required by all agencies shall be provided to the Township if secured at time of application, but not later than at time of application for zoning permit.

847.2 Development Standards, Requirements, and Criteria

The following standards, requirements, and criteria, without limitation, shall apply to a SCF:

- A. Fence
 - 1. The SCF and its solar energy system(s), solar related equipment , principal and accessory buildings and structures, and parking facilities shall be enclosed by perimeter chain-link fencing, and/or other fencing required by state or federal agency, and access gate(s) at a height between eight and nine feet for the purpose of restricting unauthorized access.
 - 2. Such fencing shall be black poly-coated and shall not include barbed wire or similar product unless otherwise required by a state or federal agency.
 - 3. A Knox-type box shall be installed on all access gates for emergency access by the Winola Fire

Department and other emergency responders.

B. Landscaping and Buffers - Landscaping and buffers shall be provided in accord with §701.1 and §701.2

C. Ground Cover

1. An area not less than 25 feet in width and planted and maintained with grass and/or other vegetation satisfactory to the Zoning Hearing Board shall be located between the perimeter required fencing and all solar related equipment as a firebreak. An alternative method of providing SCF perimeter fire protection may be proposed by the SCF owner and/or operator and may be approved by the Zoning Hearing Board.
2. Grass shall be planted and maintained below and between ground-mounted solar modules and/or arrays, except where access roads are provided.
3. All plants shall be non-invasive species
4. A note on the SCF plan shall detail the type of grass and its maintenance to ensure continuous ground cover, soil stabilization and minimized risk of a fire hazard.

D. Signs - The manufacturer's or installer's identification and contact information, emergency contact information and appropriate warning signage not greater than three square feet each, or the minimum square footage signage allowed by applicable code, state, or federal agency, shall be posted on the access gate and/or perimeter fencing as required by applicable regulations. Except as provided herein, a SCF shall not display signage of any kind as defined in Article 11.

E. Utility Lines - All on-site utility lines shall be placed underground unless otherwise approved by the Zoning Hearing Board. The site plan shall clearly depict where all underground and above-ground utility lines are proposed.

F. Bulk and Coverage - A SCF shall comply with the following bulk and coverage standards:

Minimum front, side, and rear setback from nearest boundary line for perimeter fence	50 feet
Minimum front, side, and rear yard setback from nearest overlay district boundary line for solar arrays and their mounting equipment	75 feet
Maximum solar array height	5 feet
Maximum lot coverage	60%
Minimum lot area	5 acres

G. Lot Coverage - The cumulative surface area of solar arrays, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

H. Solar 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 will be controlled in accord with

- I. Standards and 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 the same manner as needed to keep the facility in good repair and operating condition.
- J. Owner and Operator Changes - The Township shall be notified in writing within 30 days of a change in:
 - 1. SCF ownership,
 - 2. SCF operator, and/or
 - 3. The owner of land upon which the SCF is located.
- K. Emergency Contacts. - The Township shall be provided with 24-hour contact name(s), address(es), phone number(s) and emergency contact information. The SCF owner and/or operator shall maintain a phone number and identify the person responsible for the public to contact with inquiries and complaints throughout the life of the project and shall provide this number and name to the Township. The SCF owner and/or operator shall make timely and reasonable efforts to respond to the public's inquiries and complaints.
- L. Soil Testing - Soil testing to the satisfaction of the Zoning Hearing Board for chemicals, heavy metals, and other hazardous materials shall be conducted at evenly spaced locations throughout the site at the rate of not less than one test per 20,000 square feet to establish the baseline contamination condition of the soil.

847.3 Decommissioning

If the Board of Supervisors finds that the abandonment of a SCF constitutes a threat to the public health, safety and welfare and an abandoned SCF shall be decommissioned in compliance with the following, without limitation:

- A. Notification of Township - If a SCF or any of its solar energy system(s) have not been in operation for a period of six consecutive months, the SCF owner or operator shall notify the Township in writing with the reason(s) for inoperability and their intentions to reestablish operations or plans for decommissioning. The SCF owner or operator is required to notify the Township immediately upon cessation or abandonment of the operation. The SCF or one or more of its solar energy systems shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of 12 continuous months.
- B. Six Months Removal - The SCF owner and/or operator shall have six months from cessation or abandonment in which to dismantle and remove the SCF including all solar related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations, and other associated facilities from the property. The site shall be restored to a useful, nonhazardous condition, including but not limited to the following:
 - 1. Removal of aboveground and underground equipment, structures, and foundations to a depth of at least three feet below grade. Underground equipment, structures and foundations need not be removed if they are at least three feet below grade and do not constitute a hazard or interfere with agricultural use or other resource uses of the land.
 - 2. Prior to restoration of the grade and soil required in §847.3B3, soil testing shall be conducted in the same fashion as §847.2L to confirm that no contamination has occurred. The SCF owner or operator shall be responsible for any required mitigation in accord with state and federal requirements.

3. Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 4. Removal of graveled areas and access roads.
 5. Revegetation of restored soil areas with native seed mixes and plant species.
 6. For any part of the SCF project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates, or buildings in place or regarding restoration of agricultural crops or forest resource land.
- C. Landowner/Operator Responsibility - If the SCF owner or operator of its solar energy system(s) fails to complete decommissioning and re-vegetation within the required time period, then decommissioning and re-vegetation in accordance with this ordinance shall become the responsibility of the landowner. The responsibility for decommissioning by facility heirs, successors and assigns shall be established by a recorded document acceptable to the Board of Supervisors.

847.4 Shadows and/or Obstructions

Prior to the issuance of a zoning permit, SCF owner or applicant must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or create in the property itself: (1) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (2) the right to prohibit the development on or growth of any trees or vegetation on such property.

847.5 Solar Easements

A copy of any solar easements obtained by the applicant and/or operator shall be provided to the Township.

847.6 Storage of Related Equipment

Solar related equipment and parts not in active operation on the SCF site shall be stored in an enclosed building and/or concealed within solid fencing no closer than the 50-foot setback for per §847.2F.

847.6 Solar Commercial as a Second Principal Use

A SCF shall be permitted on a property with an existing use in districts where SCF are allowed subject to the following standards:

- A. The minimum lot area, minimum setbacks and maximum height required by this §847 for the SCF 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. Vehicular access to the SCF 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 SCF and that vehicular access is provided to the SCF.

848 Solid Waste

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be considered special exceptions in the IND District only, and shall, in addition to the other applicable standards in this Ordinance,

be subject to all applicable state and federal regulations and the requirements of this §848.

848.1 Setbacks

No part of any facility created after the effective date of this Ordinance shall be located closer than three hundred (300) feet to an existing public right-of-way, property line or stream. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than fifty (50) feet in width shall be provided in all yards in accord with §701 of this Ordinance. Additional buffers and setbacks may be required in accord with this Ordinance.

848.2 Fencing

All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities and prior to the issuance of a certificate -of-use for a new facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

848.3 Storage and Loading/Unloading

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

848.4 Effluent Treatment

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

848.5 Dangerous Materials

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

848.6 Water Quality

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

been identified and corrected.

848.7 Emergency Access

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

848.8 Hours of Operation

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

848.9 Nuisances

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

848.10 Attendant and Inspections

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

848.11 State and Federal Regulations and Reporting

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §848 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

849 Reserved

850 Storage Yards for Forest Products and Minerals

The intent of this section is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals. (See definition of *storage yards for forest products and minerals* in Article 3.)

850.1 Access to Public Roads

A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway

occupancy permit.

- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.

850.2 Setbacks

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than three hundred (300) feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Storage yards shall not be less than fifty (50) feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on gently sloping ground that will provide good drainage. Low spots and poorly drained places shall be avoided.

851 Swimming Pool, Commercial

Commercial swimming pools, in addition to all other applicable requirements of this Ordinance, shall comply with the standards in this §851.

851.1 Setback

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

851.2 Parcel Size

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

851.3 Enclosure

A fence, wall or other enclosure not less than six (6) feet high and of a design to restrict access shall completely surround the area of the swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.

851.4 Access

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

852 - 855 Reserved

856 Vehicle Related Uses

Vehicle related uses, in addition to all other applicable standards, shall comply with the standards in this §856.

856.1 Car and Truck Wash Facilities

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least seventy-five (75) feet from the intersections of the front and side street right-of-way lines.
- D. The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.
- E. Any wash facility located within two hundred (200) feet of any residential district shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

856.2 Gasoline Service Stations and Vehicle or Equipment Repair Operations

All gasoline service stations and vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- A. The principal building housing the operation shall be setback a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. All service and repair activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- C. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall outdoors, it shall comply with the junk regulation set forth in this Ordinance.
- D. 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.
- E. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.

- F. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- G. No vehicles shall be stored in any required setback areas.
- H. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any residential district.
- I. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

856.3 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific requirements:

- A. All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the District.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the District.
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §856.2 above.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.
- G. No vehicles shall be stored in any required setback areas.

856.4 Race Tracks

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

- A. Setbacks - All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than five hundred (500) feet from any property line or public road right-of-way, and shall not be less one-half (0.5) mile from any RES District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
- B. Animal Race Tracks - In addition to the other standards in this §856.4, the following additional standards shall apply to animal race tracks:
1. The race course for any animal race track shall not be less than five hundred (500) feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
 2. Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than one hundred (100) feet from any property line or public road right-of-way.
 3. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Zoning Hearing Board demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.
- C. Buildings - All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations - No race shall be conducted between the hours of 9:00 P.M. and 9:00 A.M., and all track lighting shall be extinguished by 10:00 P.M. However, the Township may establish more restrictive time limits and limit the days of operation as a condition of approval.
- E. Repair Activities - All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- F. Tire and Part Storage - All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- G. Storage - No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation - Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.
- I. Fencing and Barriers - Security fencing shall be provided around the facility (excluding parking areas) to prevent intrusion onto the racetrack and related areas. Safety fencing/barriers shall be provided between the racetrack and all areas where spectators, the public or any employee or other person has access.
- J. Safety Plan - A facility safety plan shall be prepared to detail the specific procedures which will be followed to ensure the safety of the public, spectators, employees and participants which shall, at a minimum, address the

following:

1. Design standards of all safety fencing/barriers.
 2. Procedures for fuel storage, handling and dispensing.
 3. Emergency services, including fire and ambulance, which will be available during events.
 4. Disaster/emergency response procedures.
 5. Crowd management.
- K. Bond/Insurance - Based on the type and size of the race track, the Board of Supervisors may require the Applicant to provide a bond and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

857 Reserved

858 Watercraft Related Uses

Watercraft related uses, in addition to all other applicable standards, shall comply with the standards in this §858.

858.1 Waterfront Marinas

Waterfront marinas are classified as special exceptions in the COM District and, in addition to the standards in Article 7 and §1108 of this Ordinance, and all other applicable standards, marinas shall be subject to the following standards.

- A. Parcel Size - A minimum parcel size of one (1) acre shall be required.
- B. Portable Watercraft Racks - Portable racks for the storage of watercraft shall not be used to store more than two (2) tiers of watercraft; and may not exceed a total height, including to the top of the upper most watercraft, of seventeen (17) feet.
- C. Permanent Watercraft Storage Sheds - Structures used to store more than two (2) tiers of watercraft, or exceeding a height, including to the top of the upper most watercraft, of seventeen (17) feet shall be considered principal structures and shall comply with all setbacks and height standards required for principal structures. Such watercraft storage structures shall be permanently attached to the ground on a frost free foundation meeting Township requirements; and shall be fully enclosed by walls on all sides.
- D. Maintenance and Repairs - Maintenance and repairs shall be conducted in accord with the requirements of §856.2. All cleaning of boats shall be conducted in such manner that will protect surface water quality and the Zoning Hearing Board may establish reasonable conditions to assure such protection.

858.2 Watercraft Storage

Watercraft storage facilities are classified as special exceptions in the COM and IND Districts and in addition to the standards in Article 7 and §1108 of this Ordinance, and all other applicable standards, watercraft storage facilities shall be subject to the following standards. All watercraft storage racks or structures shall comply with the requirements of §858.1,B and §858.1,C, respectively.

858.3 Watercraft Docking Facility, Commercial

Watercraft docking facilities are classified as special exceptions in the COM District and, in addition to the standards

in Article 7 and §1108 of this Ordinance, and all other applicable standards, watercraft docking facilities shall be subject to the following standards.

- A. Parcel Size and Lakefront - A minimum parcel size of one (1) acre and a minimum of seventy-five (75) feet of contiguous lakefront property shall be required.
- B. State Permits, Dock Size and Number of Slips - Any required PA DEP permits shall be obtained by the property owner, and the size of the dock and number of boat slips shall comply with the permit issued by PA DEP. However, in no case shall the number of watercraft moored at any property exceed one (1) per ten (10) feet of lakefront property. In addition to any watercraft in the water, *moored* shall include any watercraft with an engine which is stored on or tied to a dock or any appurtenance to a dock.
- C. Dock Location - No dock shall extend more than fifty (50) feet from shore. Docks and slips shall be a minimum of ten (10) feet from adjoining property lines, and greater setbacks may be required to prevent interference with the use of the lake by adjacent owners.
- D. Principal Structures; Launching; Storage Racks and Structures - No principal structures, launching or storage of watercraft shall be permitted except as permitted in association with an approved waterfront marina or watercraft storage area.
- E. Maintenance Activities - No activity such as cleaning, waxing, repairs, winterizing or painting shall be permitted.
- F. Parking - Parking shall be provided in accord with §504.6 of this Ordinance.

859 Wind Energy Facilities

In addition to all other applicable standards in this Ordinance, the following regulations shall apply to wind energy facilities which shall be permitted as special exceptions only in the districts as provided by the Schedule of Uses.

859.1 Purposes

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

859.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every wind energy facility and windmill installed at any location in the Township.
- B. Associated Use - All other uses ancillary to the wind energy facility (including a business office, maintenance depot,, etc., greater than 1,000 sq. ft.) are prohibited from the wind energy facility, unless otherwise permitted in the zoning district in which the wind energy facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the wind energy facility.

- C. Wind Energy Facility as a Second Principal Use - A wind energy facility shall be permitted on a property with an existing use subject to the following land development standards:
1. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the wind energy facility and windmills shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 2. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 3. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

859.3 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily . No windmill that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet.
 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
 3. Principal Structures - No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- C. Wind Energy Facility Support Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed Wind energy facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within forty-five (45) days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.
- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.

- E. Landscaping - Landscaping may be required to screen as much of the wind energy facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind energy facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind energy facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind energy facility.
- G. Access; Required Parking - Access to the wind energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length. If the wind energy facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- H.. Color and Lighting; FAA and PA DOT Notice - Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- I. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind energy facility developer.
- J. Historic Structures - A wind energy facility shall not be located within five-hundred (500) feet of any structure listed on any public historic register.
- K. Discontinued Use - Should any wind energy facility or windmill cease to be used, the owner or operator or then owner of the land on which the wind energy facility or windmill is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.
- L. Site Plan - A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, windmills, building, fencing, buffering, access, and all other items required for special exceptions by this Ordinance.

859.4 Public Inquiries and Complaints

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

859.5 Decommissioning

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

§859.6 Wind Test Towers

Temporary wind test towers may be erected as a special exception in Districts where wind energy facilities are permitted in accord with other applicable requirements of this Ordinance. Such towers shall be removed within eighteen (18) months of installation.

ARTICLE 9 NONCONFORMITIES

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose

It is the purpose of this Article 9 to recognize that if, prior to the adoption of the original Overfield Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Article 9 is to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article 9 to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

901.2 Applicability

The provisions and protections of this Article 9 shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by §903 or §904 of this Article 9. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

901.3 Registration

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article 9.

902 Definitions

902.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where

such a lot is situated, such lot having been created and recorded in the office of the Wyoming County Recorder of Deeds prior to the effective date of this Zoning Ordinance, as amended.

902.2 Nonconforming Structure

A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of this Zoning Ordinance, as amended; and including, but not limited to, non-conforming signs.

902.3 Nonconforming Structure, Alteration or Expansion

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

902.4 Nonconforming Structure, Reconstruction

The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

902.5 Nonconforming Use

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of this Zoning Ordinance, as amended.

902.6 Nonconforming Use, Change

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.

902.7 Nonconforming Use, Extension

The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

902.8 Nonconforming Use, Reestablishment

The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

903 Nonconformities Under Development

For the purposes of this Article 9, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the

building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Special Exceptions

All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria contained in Article 11 of this Ordinance and the review factors in §912 of this Article 9. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e., more restrictive classification) as determined by the Planning Commission and Zoning Hearing Board in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an RES District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

906.2 Conforming Changes and Conversions

- A. **Change** - A change in a nonconforming use to a conforming use shall not be considered a special exception unless the proposed use is classified as a special exception by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. **Conversion** - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a special exception. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

906.3 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

907 Extension of Nonconforming Uses

907.1 Special Exceptions

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered special exceptions subject to the specific procedures and review criteria contained in Article 11 of this Ordinance, and the review factors in §912 of this Article 9.

907.2 Extension onto Other Properties of Record in the Same Ownership; New Structures

Extensions of a non-conforming use shall be on land contiguous to the existing use and shall be limited to the same parcel of property on which the non-conforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance. For any non-conforming uses not involving a non-conforming structure, no new structures shall be permitted as part of an extension.

907.3 Extension Limitation

In the AG District and RES District, an extension of land or structure utilized for the non-conforming use shall be limited to a total increase not to exceed twenty-five (25) percent of land and twenty-five (25) percent of structure beyond what existed on the effective date of this Ordinance, as amended. In all other Districts such extension shall be limited to a total increase not to exceed fifty (50) percent of land and fifty (50) percent of structure beyond what

existed on the effective date of this Ordinance. All such extensions of a non-conforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application. In the case of non-conforming uses not involving structures, in all Districts an extension of such a non-conforming use may only be permitted in increments of twenty-five (25) percent or less, for a total up to the permitted extension limit; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.

907.4 Prohibited Extensions

Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

908 Reconstruction

908.1 Time Limit

If any nonconforming structure is damaged, destroyed or razed, it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a building permit is submitted and the reconstruction is completed within eighteen (18) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created.

908.2 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a special exception if the reconstruction involves a change or extension of use as regulated by §906 and §907 of this Ordinance, respectively.

908.3 Reconstruction Prohibited

Any structure not reconstructed within the required eighteen-month period shall be deemed abandoned and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance.

908.4 Reserved

908.5 Burden of Proof

The applicant shall have the burden of proof to document the nonconformity of the structure.

908.6 Extension

The Zoning Hearing Board may, as a special exception and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §1108 of this Ordinance, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

909 Abandonment and Reestablishment of Nonconformities**909.1 Abandonment**

Unless extended in accord with this §909, if a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of eighteen (18) months or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

909.2 Extension

The Zoning Hearing Board may, as a special exception and if deemed appropriate by the Board in accord with the Township Comprehensive Plan and the standards in §1108 of this Ordinance, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by the Board upon written application for same submitted by the property owner.

910 Alterations and Expansions of Nonconforming Structures**910.1 Alterations**

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §910.

910.2 Procedure - Permits

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a special exception if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §906 and §907 of this Ordinance, respectively.

910.3 Nonconforming Setbacks

Should a building have a lawful nonconforming side or rear building setback, the structure may be altered to increase the height above such setback or to extend other portions of the building up to such nonconforming setback line provided no additional nonconformity is created. However, such additions shall not be permitted to any non-residential structure which abuts a residential use.

910.4 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

911 Use of Nonconforming Lots of Record**911.1 Single Family Dwelling**

A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District, provided:

- A. Setbacks - The applicable setbacks required by Part 2 of the Schedule of Development Standards are maintained.
- B. Lot Coverage - Lot coverage does not exceed the applicable threshold established by Part 4 of the Schedule of Development Standards.

- C. Other Standards - All other applicable standards in this Ordinance are satisfied.
- D. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- E. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

911.2 Commercial Uses

A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Setbacks - All setbacks normally required in the District are maintained.
- B. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.
- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. Other Standards - All other applicable standards in this Ordinance are satisfied.
- E. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

912 Review Factors

In addition to the standards in §1108, Article 7, and other applicable requirements, the Township shall consider any nonconformity special exception application in terms of the effect on the following factors:

912.1 Nuisance Considerations

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

912.2 Specific Considerations

- A. Storage of Materials - There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a non-conforming use, excepting those types of uses outlined in §B below.
- B. Screening - Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum. Yards and buffers shall be provided in accord with §701.1 of this Ordinance.
- C. Yards and Setbacks - No addition, change or expansion of a non-conforming use shall further violate setback

and/or height regulations of the district in which it is located.

- D. Parking and Traffic - In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. The Township may require vegetative screening of the parking area from nearby residential areas in accord with §701.1 of this Ordinance.

ARTICLE 10
OWNERSHIP AND MAINTENANCE OF
OPEN LAND, RECREATION LAND AND COMMON FACILITIES

This Article 10 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.

1001 Purpose

The requirements of this Article 10 are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

1002 Plan and Legal Documents

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

1003 Use Restriction

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

1004 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

1005 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article 10 and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

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

1005.1 Property Owners Association or Condominium Agreements

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

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

1005.2 Transfer to a Private Conservation Organization

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

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common area ownership and maintenance standards of this Article 10 and this Zoning Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization is unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

1005.3 Deed Restricted Private Ownership

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

1005.4 Deed or Deeds of Trust

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

1005.5 Conservation Easements Held by the Township

In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, and title to such lands may

be transferred to other parties for use as restricted by the conservation easement.

1005.6 Fee Simple and/or Easement Dedication to the Township

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

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Township agrees to and has access to maintain such lands.

1006 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Area

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

1006.1 Notice

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

1006.2 Correction of Deficiencies

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

1006.3 Public Hearing

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

1006.4 Failure to Correct

In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.

1006.5 Reinstatement of Responsibility

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

1006.7 Appeal

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

1006.8 Public Costs

The costs of the preservation of use dedication and the cost maintenance and operation of any open land conducted by the Township in accord with this Article 10, 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 §1006.1 above, shall file the required notice of lien against the properties.

ARTICLE 11 ADMINISTRATION

1100 Applicability

1100.1 Conformance

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

1100.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning code, as amended.

1100.3 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Zoning Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement, extension or demolition of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

1100.4 Repairs and Maintenance

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

1101 General Procedure for Permits

1101.1 Principal Permitted Use

Within ninety (90) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one applicable reason verbally or in writing to the applicant or his/her representative.

1101.2 Reviews

Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.

1101.3 Appeal

See §1105.2 which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

1101.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant. (See use permit process in §1102.7)

1102 Permits and Certificates

1102.1 Applicability

See §1101.

1102.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) - If a use is listed as a principal permitted use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Special Exception Use or Application Requiring a Variance - A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- C. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

1102.3 Applications

- A. Applications - Any request for a decision, interpretation or variance by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made in writing on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - Unless waived by the Zoning Officer, five (5) copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two (2) copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include the following information.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this §1102.3 shall be provided by the applicant. However, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an

existing structure, a narrative providing details of the project shall be provided as required by this section. However, a plot plan, as required by Subsection B which follows, shall not generally be required unless the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
4. If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 - (1) Water courses, lakes and wetlands (with names).
 - (2) Rock outcrops, ledges and stone fields.
 - (3) Buildings, structures, signs and required setbacks.
 - (4) Approximate location of tree masses.
 - (5) Utility lines, wells and sewage system(s).
 - (6) Entrances, exits, access roads and parking areas including the number of spaces.
 - (7) Drainage and storm water management facilities.
 - (8) Plans for any required buffer plantings

- (9) Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.
 8. Tract boundaries accurately labeled.
 9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
 10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
 11. A statement of the type of water supply and sewage disposal proposed.
 12. The present zoning district and major applicable lot requirements.
- D. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- E. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article 3.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Wyoming County Regional Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- G. Subdivision Approval - Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to §1102.7 of this Ordinance.

1102.4 Issuance of Permit

- A. At least two (2) copies of any permit required under this Ordinance shall be made.
- B. One (1) copy of any such permit shall be retained in Township files and one (1) copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
- C. The Zoning Officer shall issue or deny a permit for a principal permitted use that meets the requirements of this Ordinance within a maximum of ninety (90) days after a complete, duly filed application and fees are submitted.
- D. No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid zoning permit has been issued for such work, nor shall such persons

conduct such work after notice that a zoning permit has been revoked.

1102.5 Revocation of Permits

The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

- A. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based: (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties); or,
- B. Upon violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; or,
- D. For any other just cause set forth in this Ordinance.

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

1102.6 Changes to Approved Plans

- A. After the issuance of a permit and/or approval under this Ordinance by the Township, such approved application shall not be changed without the written consent of the Township, as stated in subsection "B" below.
- B. Changes to an approval by the Zoning Hearing Board as a special exception use or by the Board of Supervisors as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
- C. A copy of such adjustment or correction shall be provided in writing to the Chairperson of the Planning Commission, the President of the Board of Supervisors or the Chairperson of the Zoning Hearing Board if the change concerns a plan approved by such bodies.

1102.7 Certificate of Use

- A. A Certificate of Use shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- B. An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within ten (10) days of a properly submitted and duly filed application. A minimum of one (1) copy shall be retained in Township records.
- C. The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and

applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.

D. The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

1103 Fees

1103.1 Application Fees

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1103.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1104 Zoning Officer

1104.1 Appointment

The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the State Planning Code.

1104.2 Duties and Powers

The Zoning Officer shall:

- A. Administer the Zoning Ordinance.
- B. Provide information to applicants regarding required procedures.
- C. Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance.
- D. Receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance.
- E. Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances and special exception granted by the Zoning Hearing Board, of conditional uses approved by the Board of Supervisors, of complaints received, of inspections made, of reports rendered, and of notice or orders issued.
- F. Make all required inspections and perform all other duties as called for in this Ordinance.
- G. Not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Township known to the Zoning Officer.

1104.3 Qualifications

Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.

- A. The person shall demonstrate a working knowledge of zoning.
- B. The person shall have one of the following combinations of education and experience:
 - 1. An high school diploma or equivalent and a minimum of four (4) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 2. An high school diploma or equivalent and two (2) additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a filed such as law enforcement, community planning and/or public administration) and a minimum of two (2) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - 3. A college or university Bachelor's degree in a field related to zoning (such as law enforcement, community planning and/or government administration) and a minimum of 8 months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
- C. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Justice.
- D. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
- E. The person shall demonstrate excellent oral and written communication skills.
- F. The person shall be familiar with the PA Municipalities Planning Code.

1104.4 Other Township Officials

Police officers, firefighters, construction inspectors, other Township staff and Township officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

1105 Zoning Hearing Board

1105.1 Appointment and Qualifications

- A. Appointment - The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
 - 1. Demonstrate a working knowledge of zoning prior to appointment.
 - 2. Become familiar with the PA Municipalities Planning Code.
 - 3. Attend at least one (1) seminar and/or workshop pertaining to municipal planning and/or zoning within each

calendar year.

- C. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members. See §905 of the PA Municipalities Planning Code.
- E. Organization.
 - 1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 - 2. Quorum - For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA Municipalities Planning Code.
 - 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

1105.2 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 (Curative Amendments) and §916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- C. Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
- D. Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this Ordinance.
- E. Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- F. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.
- G. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted

under the Schedule of Use Regulations for the particular district.

1106 Zoning Hearing Board -- Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the following:

1106.1 Notice of Hearings

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

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- C. Persons Given Notices - All notice under this sub-section should be intended to be received or posted at least five (5) days prior to the hearing date.
 1. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 2. Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
 3. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
- D. Adjacent Municipalities - In any matter which relates to a lot which lies within two hundred and fifty (250) feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of the Township to notify such municipality shall not invalidate any action by the Board.
- E. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

1106.2 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. (Note-Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the

application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.

- B. The Board shall have power to require that all person who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

1106.3 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

1106.4 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

1106.5 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

1106.6 Communications Outside of Hearings

- A. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- B. The Board shall not take notice of any communications, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.

1106.7 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

1106.8 Initiation of Hearings

A hearing required under this Ordinance shall be initiated within sixty (60) days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.

1106.9 Decision/Findings

- A. The Board shall render a written decision or make written findings (when no decision is called for) on each application within forty-five (45) days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.

- B. The decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
- C. Any conclusion based on any provision of the PA Municipalities Planning Code or of this Ordinance shall contain a section reference to that specific provision.

1106.10 Notice of Decision

A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative or their last known address not later than the day following its date in accord with §908(10) of the PA Municipalities Planning Code. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

1106.11 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least seven (7) days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

1107 Variances

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

1107.1 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. **The applicant shall have the burden of proof to show compliance with such standards.** As of 1993, the Municipalities Planning Code provided that **all** of the following findings must be made, where relevant in a particular case:

- A. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located; and,
- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Such unnecessary hardship has not been created by the appellant; and,
- D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare; and,

- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1107.2 Re-Application

The Zoning Officer shall refuse to accept a proposed application that is not materially or significantly different from an appeal on the same property that was denied by the Board within the previous year.

1107.3 Variance Conditions

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1108 Conditional Uses and Special Exceptions

1108.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §1108.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

1108.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §1108.4 and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

1. Submission - The applicant shall submit the application as follows:

- a. Five (5) complete copies of any required plan shall be submitted to the Zoning Officer.
- b. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.

2. Distribution - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one (1) copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.

3. Zoning Officer Review - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.

4. Planning Commission - The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Supervisors.

5. Board of Supervisors Action

- a. Prior to renering a decision, the Board of Supervisors shall conduct a public hearing on the application. Such hearing shall be conducted pursuant to public notice within sixty (60) days from the date of the applicant's request for a hearing.
- b. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provision of the PA Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
- c. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date 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 public record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so.
- d. In granting a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.
- e. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

1108.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in §1108.4.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.
- B. Procedure
 1. All applicants for a special exception use shall submit five (5) sets of plans for the proposed use to the Zoning Officer together with a written application. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
 2. All plans shall contain the information required in §1108.6.
 3. Township Procedures.

- a. The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission and the Zoning Hearing Board solicitor. A minimum of one (1) copy shall be retained in the Township files.
 - b. The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
4. Planning Commission Review of Special Exception Uses.
- a. The Planning Commission shall be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
5. Zoning Hearing Board Action on Special Exception Uses.
- a. The Board shall hear and decide such request for a special exception use under the procedures of this Ordinance and the State Planning Code.
 - b. The Board shall schedule the first hearing within sixty (60) days of submittal of a proper application, unless granted a written extension by the applicant. The Board shall issue a decision within forty-five (45) days after the conclusion of the final hearing on the matter.
 - c. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with this Ordinance.

1108.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of the Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this Ordinance and all other ordinances of the Township.
- B. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.

- D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- E. In reviewing an application, the following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of storm water and drainage facilities storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

- G. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1108.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent

thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

1108.6 Information Required

The applicant shall supply the information required by §1102.3 of this Ordinance and evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1109 Time Limits on Permits and Variances

1109.1 Zoning Permit

After a variance is approved or a conditional or special exception approval is officially authorized under this Ordinance, then a Zoning Permit shall be secured by the applicant within twelve (12) months of such approval, otherwise, such approval shall be deemed null and void and the developer shall be required to submit another application for the same.

1109.2 Review Completion

If the applicant submits complete plans for a subdivision or land development approval or special exception or conditional use approval that is related to the variance or issuance of a permit under this Ordinance within the above time limits, then such time limits shall begin after such plan review is completed or such plan approval is granted.

1109.3 Extension

For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the 12-month application period to up to eighteen (18) months.

1109.4 Expiration

If an applicant fails to obtain the necessary permits within the above time period, or after having obtained the permit fails to diligently commence substantial construction within twelve (12) months or allows interruptions in substantial construction of longer than six (6) months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits shall be deemed automatically rescinded.

1109.5 Completion

Any building construction shall be completed within twelve (12) months of issuance of an applicable permit, unless a written extension is granted by the Zoning Officer for good cause. Otherwise, a permit shall be considered to have automatically expired at the end of such 12-month period.

1110 Mediation

Parties to proceedings authorized by this Ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

1111 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1111.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common

Pleas later than thirty (30) days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under §914.1 of the PA Municipalities Planning Code.

1111.2 Temporary Permits

This 30 day time limit for appeal shall not apply to the revocation of a permit under §1102.5.

1111.3 Subdivision or Land Development Approval

The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

1112 Appeals to Court and Other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

1113 Public Utility Exemptions

- A. This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- B. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

1114 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1115 Amendments

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

1116 Violations

1116.1 Compliance

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance.

1116.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.

1116.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §1116.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §1116.3
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- F. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

1117 Penalties and Remedies

1117.1 Causes of Action

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition

to other remedies, may institute (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1117.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.


1118 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

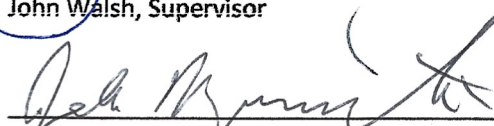
If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

**ARTICLE 12
ADOPTION**


This Ordinance ordained and enacted this 2nd day of January, 2024, by the Board of Supervisors of Overfield Township, Wyoming County, Pennsylvania, to be effective immediately.



John Walsh, Supervisor




John Manglaviti, Supervisor



Donald Ames, Supervisor

ATTEST:



Susan Smith, Secretary



ORDINANCE 1-2024