

TUNKHANNOCK TOWNSHIP

WYOMING COUNTY, PENNSYLVANIA

ZONING ORDINANCE

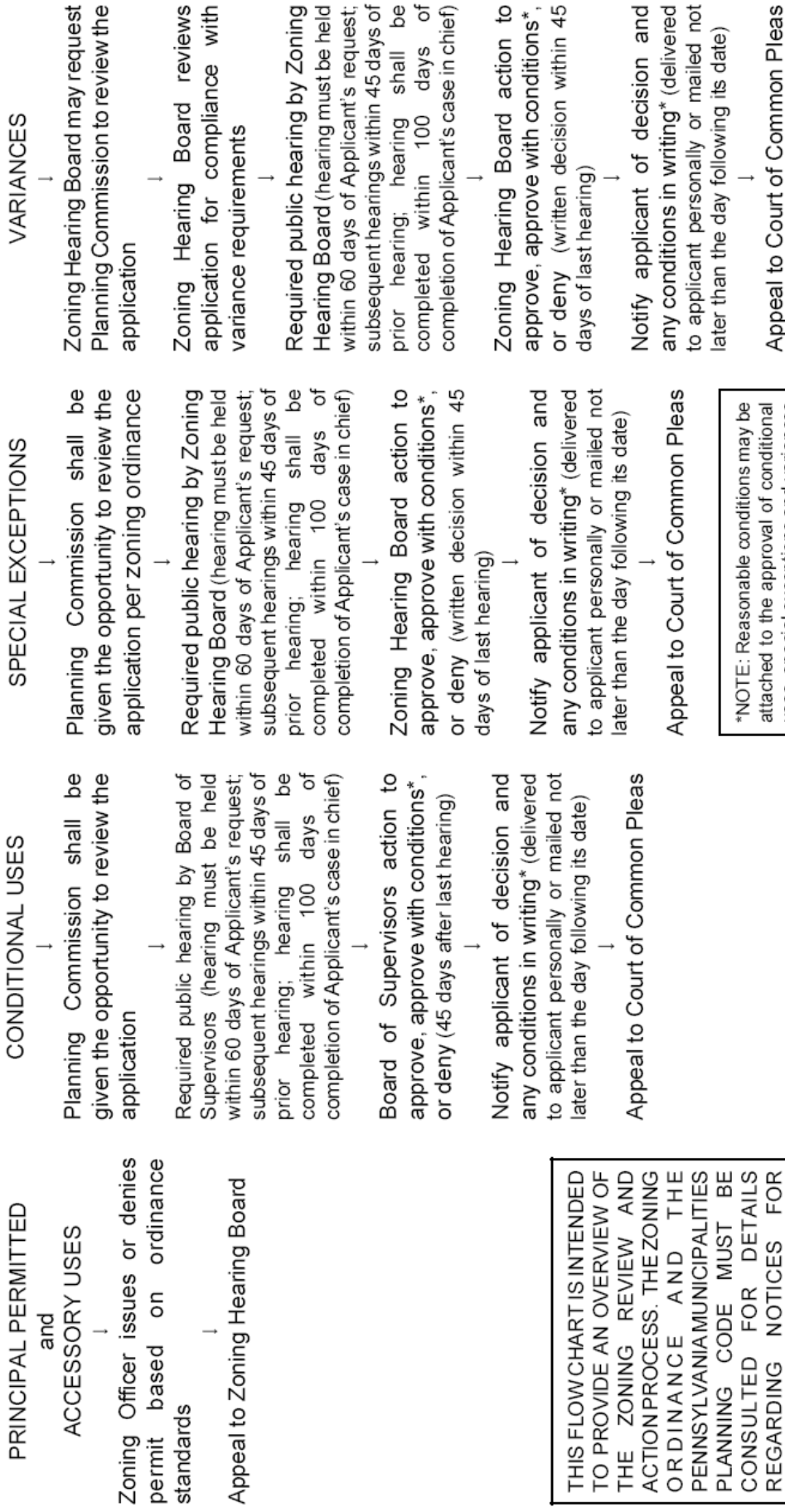
DRAFT
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GUIDE TO USING THIS ZONING ORDINANCE

- ☛ **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** and the **Index** at the back of the Ordinance 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 IV.
- ☛ The **Schedule of Uses** in Article IV lists all of the uses allowed in each district.
- ☛ The **Schedule of Uses** in Article IV 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 §1208)
 - ☛ **Special Exceptions** - review by Planning Commission, action by Zoning Hearing Board. (See §1208)
- ☛ The requirements for **Permit Applications** are found in §1202.
- ☛ The **Schedule of Development Standards** in Article IV sets the minimum lot size and property line and road setback requirements.
- ☛ The **Definitions** in Article III provide the meaning for specific terms.
- ☛ Many uses are subject to specific requirements of this Ordinance.
 - ☛ Article V includes requirements for decks, garages, sheds and other **Accessory Uses, Home Occupations and Off-Street Parking**.
 - ☛ Article VI governs **Residential Uses** -- conservation design, two-family dwellings, group homes, etc.
 - ☛ Article VII includes performance standards for **Commercial and Manufacturing Uses**.
 - ☛ Article VIII includes standards for **Specific Uses** ranging from the keeping of animals to cell towers.
- ☛ **Signs** are governed by Article XI 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 §1207.1.
- ☛ 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 IX. 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.
- ☛ Article XIII includes standards related to height and radio interference in **Airport Hazard Areas** and Article XIV includes **Floodplain Development** standards..
- ☛ 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 §1203 and are shown on the **Fee Schedule** available from the Zoning Officer.

ZONING PERMIT APPLICATION REVIEW PROCESS

APPLICANT → → → → → ZONING OFFICER makes determination from Schedule of Uses of classification as PRINCIPAL PERMITTED, ACCESSORY, CONDITIONAL, or SPECIAL EXCEPTION; or if a VARIANCE is required, and refers the application for appropriate action.



THIS FLOW CHART IS INTENDED TO PROVIDE AN OVERVIEW OF THE ZONING REVIEW AND ACTION PROCESS. THE ZONING ORDINANCE AND THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE MUST BE CONSULTED FOR DETAILS REGARDING NOTICES FOR PUBLIC HEARINGS, TIME FRAMES, DECISION NOTICE REQUIREMENTS, PERFORMANCE STANDARDS AND CRITERIA, AND OTHER ADMINISTRATIVE DETAILS.

*NOTE: Reasonable conditions may be attached to the approval of conditional uses, special exceptions and variances in accord with the zoning ordinance and the Pennsylvania Municipalities Planning Code (MPC). Obtain written acceptance of all conditions from Applicant. Denials must include specific reasons for denial.

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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Tunkhannock 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 I GENERAL PROVISIONS

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, SETBACKS, 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 "TUNKHANNOCK TOWNSHIP ZONING ORDINANCE."

102 Purpose

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

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; the safe use of natural or artificial bodies of water, boat docks and related facilities; reliable, safe and adequate water supplies; safe and adequate sewerage disposal, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- B. To prevent one or more of the following: overcrowding of land, watercourses and other bodies of water, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

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

103 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 Pennsylvania Municipalities Planning Code, 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 setback 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 zoning 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 setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

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.

103.8 Effect of Official Map (If adopted by the Township.)

All activities subject to this Ordinance shall also be subject to the reservations shown and established by the Tunkhannock Township Official Map which has been enacted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Code, as amended. The Applicant shall, prior to submitting an application, determine if in any of the land proposed for subdivision or land development is subject to the Township Official Map. If any of the land is subject to the Official Map, the options in the Township Official Map Ordinance are available to the Applicant. The Applicant is encouraged to contact the Township Zoning Officer prior to submitting the application.

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. Defined Terms - If a use could be classified under more than one defined term or use listed in an applicable Schedule of Uses of this Ordinance, the definition and applicable Schedule of Uses with the most restrictive standards and provisions shall apply.
- B. Other 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 any other Ordinance, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the

provisions of this Ordinance shall control.

- C. Other Laws and Regulations - Whenever the provisions of any other law, regulation and/or statute require a greater width or size of setbacks, 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.

D. 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 setbacks, 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.

104.4 Pennsylvania Municipalities Planning Code Amendments

The provisions of this Ordinance that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code at the date such amendments become effective as State law.

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 II 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 Comprehensive Plan Goals and Objectives

In addition to the General Community Development Objectives set forth in §201, this Zoning Ordinance is intended to implement the goals and objectives contained in the Tunkhannock Township Comprehensive Plan and any other plan which may be adopted by the Township.

ARTICLE III DEFINITIONS

301 Rules of Construction

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, Words Not Defined; Diagrams

- A. Terms, Phrases, Words Not Defined. When terms, phrases, or words are not defined, they shall have the meaning as defined in The Complete Illustrated Book of Development Definitions (Moskowitz, Lindbloom, Listokin, Preiss, and Merriam, Transaction Publishers, New Brunswick, NJ, 4th edition, 2015, ISBN: 978-1-4128-5504-) or the latest edition thereof, or if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. Diagrams. The diagrams in §303 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

303 Definitions

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

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

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

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

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

Accessory Structure or Use (includes Accessory Building) - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An accessory building is any accessory structure that meets the definition of a building. A portion of a principal building used for an accessory use shall not be considered an accessory building.

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

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

Adult Business - Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.
- C. Any of the following as defined in this Article III:
 - 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
- D. Additional definitions associated with *adult business* include:
 - 1. 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 to 5 or fewer persons per machine at any 1 time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. Considered an *adult business* for regulation by this Ordinance.

2. Adult Bookstore or Adult Video Store - A commercial establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any 1 or more of the following: (The term *adult bookstore* shall include, but not be limited to, an *adult video store*, and all such uses shall be considered an *adult business* for regulation by this Ordinance.)
 - a. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video, or video reproductions, slides or other visual representations which depict or describe *specified sexual activities* or *specified anatomical areas*; or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with *specified sexual activities*.

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

3. Adult Live Entertainment Use or Facility - A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving: (Considered an *adult business* for regulation by this Ordinance.)
 - a. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
 - b. Live performances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or,
 - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Motel - A hotel, motel or similar commercial establishment which: (Considered an *adult business* for regulation by this Ordinance.)
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of *specified sexual activities* or *specified anatomical areas*.
 - b. Offers sleeping rooms for rent 3 or more times in 1 calendar day.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. Nude Model Studio - Any place, which is not exempted, 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.
12. 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.
13. 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*.
14. 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.
15. 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 discernible turgid state, even if completely and opaquely covered.

16. 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 sawmills, wood pellet production, firewood cutting and sales, wood chipping operations, tanneries, dairies and food canning and freezing operations. (See *slaughterhouse* which is a type of agricultural products processing.)

Agritourism - Any activity carried out on a normal agricultural operation such as a farm, orchard or vineyard that allows members of the general public for recreational, entertainment, or educational purposes to view or enjoy rural activities directly related to or part of the agricultural operation, including farming, wineries, historical, cultural, harvest-your-own activities, natural activities and attractions, hay rides, haunted houses, field mazes, antique auto and equipment displays, non-mechanical rides, petting zoos, food vendors, and craft displays or banquets. An activity is an agritourism activity whether or not the participant paid to participate in the activity. For the purposes of this definition a normal agricultural operation is the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production AND preparation for market of poultry, live stock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural, and aquicultural crops and commodities and is: (1) not less than ten contiguous acres in area; or (2) less than ten contiguous acres in area but has an anticipated yearly gross of at least \$10,000. (Note: Definition from the PA Right to Farm Law - Protection of Agricultural Operations from Nuisance Suits and Ordinances Act.)

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

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

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

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

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

Animal Hospital – See *veterinary clinic*.

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

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

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

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

Apartment - See *dwelling, apartment unit*.

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

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

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

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

Art/Craft Studio - An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven

articles, and related items; it may also include the sale, loan, or display of such items.

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

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

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

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

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

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

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

Billiard Hall - An establishment with the principal use of playing cue sports such as pool, snooker or carom billiard. Considered a *recreation facility, commercial* for regulation by this Ordinance.

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

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

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

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

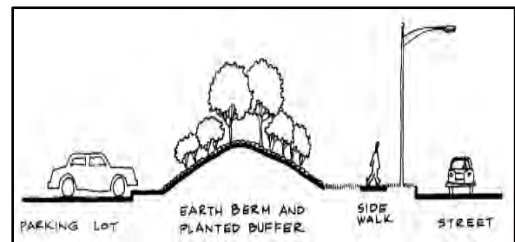
the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for five (5) or more consecutive days.

Board of Supervisors or Supervisors - The Board of Supervisors of Tunkhannock Township, Wyoming County, Pennsylvania.

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

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

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



Buffer

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

Building, Accessory - See *accessory structure*.

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

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

Building, Detached - A building surrounded by open space on all four (4) sides within the same lot.

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

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

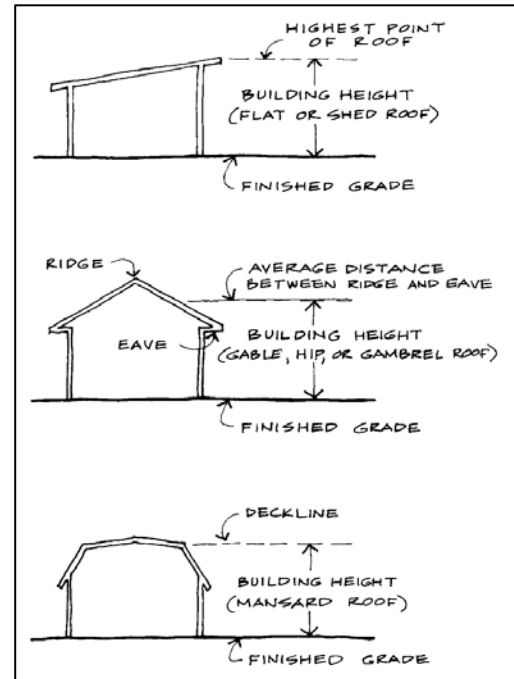
Building Height - The average vertical distance from finished grade at the front and rear of the building to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs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

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

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

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

Bus Station - An area and/or building where passengers load on and unload from buses, and where parking for passenger vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.



Building Height

Camp/Retreat - A parcel or parcels of land with lodging units where transient clientele participate in organized recreation which may include indoor recreation and learning activities and outdoor recreation activities such as hunting, fishing, hiking, bicycling, baseball and swimming, receive instruction or training, or are afforded peace and quiet.

Camp/Retreat Lodging Unit - A dwelling structure in a camp/retreat used for temporary occupancy.

Campground or Recreational Vehicle 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 shall not be used for long term residency of occupants. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development.

Campsite - A designated area within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

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

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

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

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

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

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

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

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

Church - See *place of worship*.

Clear-Sight Triangle - An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of the street center lines.

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

Club/Lodge, Private - An area of land or building used by a nonprofit civic, social, fraternal, recreational, religious, political, labor union, or educational association of persons (established via a meaningful and substantial membership system as opposed to a token system) to pursue common goals, interests, or activities usually with the payment of fees and dues, regular meetings, and a charter and bylaws, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. A *club/lodge private* shall not include commercial recreation clubs such tennis or racquetball clubs or any other use which is specifically defined by this Ordinance. This use does not include a target range for outdoor shooting, boarding house, a tavern, a restaurant, an auditorium or any other use specifically listed on the Schedule of Uses, unless that particular use is permitted in that Zoning District and the requirements of that use are met.

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

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

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.

- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio controlled devices regulated by 47 CFR 15.
- F. Privately owned antennas for receiving commercial television or radio serving a dwelling.
- G. Towers and equipment used exclusively for emergency services or government communications.

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

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

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

Community Association - See *property owners association*.

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

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 Tunkhannock Township, Wyoming County, Pennsylvania.

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

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

Composting Facility - A facility using land for processing of municipal waste by composting. The term includes land thereby affected during the lifetime of the operations, including, but not limited to, areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and

storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The term does not include a facility for composting residential municipal waste that is located at the site where the waste was generated. Considered *industry* for regulation by this Ordinance.

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

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

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

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

Conservation Design Subdivision - A subdivision designed in accord with the Wyoming County Subdivision and Land Development Ordinance where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

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

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

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

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

County - The County of Wyoming, Commonwealth of Pennsylvania.

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

Coverage, Lot - See *lot coverage*.

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

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

Crusher Plant - An operation which processes minerals or other materials and crushes them to various sizes for the purpose of resale or use. Considered *industry* for regulation by this Ordinance.

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

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

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

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

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

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

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

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

Detached Building - See *building, detached*.

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

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

Development - Any constructed change to improved or unimproved real estate, including, but not limited to, buildings and other structures, clearing, grading, filling, excavation, paving, dredging, mining, and drilling.

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 Subdivision and Land Development 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.

DEP - Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

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

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

Disturbance - Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

Disturbed Area - Any area of land which has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

Drainage Facility - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public right-of-way, parks, recreational areas, or any part of any subdivision, land development, or contiguous land areas.

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

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

Driveway - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage or legal access on the said road, but excluding any access used solely for entry/exit to a farm field.

Dump - See *solid waste landfill*.

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

Dwelling, Apartment Unit - One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units.



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

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

- A. Single-family Attached/Townhouse - A dwelling unit located in a multi-family dwelling structure in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire resistant walls.
- B. Dwelling, Quadruplex - Four (4) attached single-family dwellings in one (1) building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units.
- C. Garden Apartment Building - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding two and one-half (2.5) stories or thirty-five (35) feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.

- D. Apartment Building - A multi-family dwelling structure, originally designed as such, containing three or more apartment units which is more than two and one-half (2.5) stories but not exceeding the height limitations (in feet) of this Ordinance.
- E. Residential Conversion to Apartment - The conversion of an existing single family detached dwelling into three (3) to five (5) 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 containing two (2) dwelling units either attached side by side through the use of a vertical 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 - One (1) or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.

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

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

Emergency Services Station - A building for the housing of fire, emergency medical or police personnel and equipment and for related activities and which may, as an accessory use, include housing for emergency personnel while on-call.

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

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

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

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

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

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 non-profit 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, 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 related to either of them;
- D. Not more than the number of residents of a *group home* meeting the requirements of §605.
- E. Not more than eight (8) people who are granted a special exception as a single nonprofit housekeeping unit (a *functional family*) pursuant to §609.

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.

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

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

Financial Institution – See *bank*.

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

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

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

Flood (and related definitions) – See Article XIV..

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

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

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

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

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

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

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

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

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

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

Garage Sale - See *yard sale*.

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

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

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

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

Golf Course, Miniature - A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. Considered a

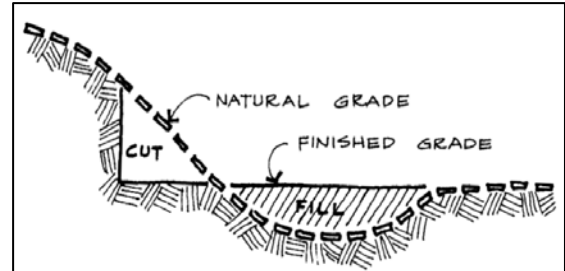
recreation facility, commercial for regulation by this Ordinance.

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

Governing Body - The Board of Supervisors of Tunkhannock Township.

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

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



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

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

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

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

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

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

- A. Involves the care of the maximum number of persons permitted by the *group home* standards of §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 impairment or other handicap* as defined by applicable Federal law.
- D. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others or who have been assigned to the home by the criminal justice system.

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

Group Home, Institutional - A use that would otherwise meet the definition of *group home* but which includes more than the permitted number of residents specified in §605. Consider *group quarters* for regulation by this Ordinance.

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 correctional facilities, medical clinics, health facilities and any use specifically listed in a zoning district in Article IV shall not be considered *group quarters*.

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

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

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

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

Height, Building - See *building height*.

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

Helistop - A heliport without auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment limited to a maximum total of fifteen (15) flights or take-offs in any seven-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public.

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

Homeowners Association - See *property owners association*.

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

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

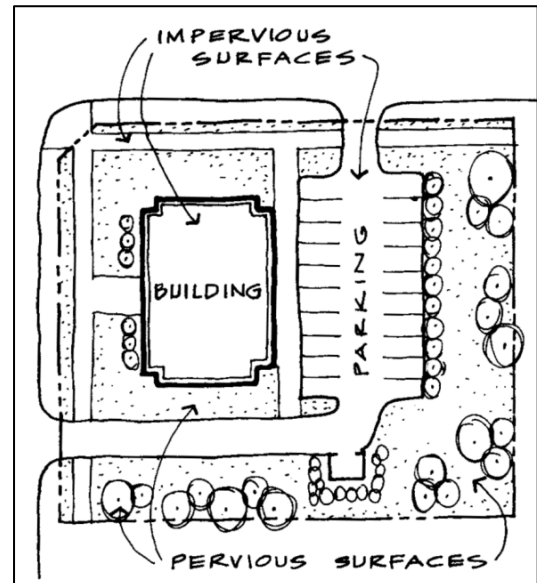
Hospital - An institution or establishment providing primary health services and medical, surgical or rehabilitation care to persons, primarily inpatients, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, medical offices, or staff residences.

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

Improvements - See *development improvements*.

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



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

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

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

F. Abandoned or junked vehicles.

Junk shall not include:

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

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

- A. The outside storage or deposit on a lot of four (4) or more abandoned or junked vehicles.
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition.

Kennel - Any of the following:

- A. Any commercial establishment where dogs, cats, or other household pets are housed or boarded and where grooming, breeding, training, or selling of animals may be conducted.
- B. As defined by the Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement: pet shop kennels, dealer kennels, rescue network kennels, research kennels, boarding kennels, nonprofit kennels and commercial kennels.
- C. Any veterinary clinic with outdoor animal runs.
- D. The noncommercial keeping of more than a combined total of five (5) domestic dogs or domestic cats that are more than one (1) year of age.

Lake - A natural or artificial body of water one (1) acre or larger which retains water year-round.

Land Development - (1) A subdivision of land; (2) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

- B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

The definition of land development shall also include:

- A. The expansion or addition to a nonresidential building, excluding agricultural buildings, that involves any of the following as measured cumulatively from the effective date of this provision:
1. The addition of twenty-five (25) percent or more of floor area to the building; or
 2. The increase by twenty-five (25) percent or more of impervious area on the parcel; or,
 3. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.
- B. The addition of an accessory building with a ground floor area in excess of one thousand five hundred (1,500) square feet on a lot or lots subordinate to an existing nonresidential principal building, excluding agricultural buildings.

The definition of land development shall not include the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.

Landfill - See *solid waste facility*.

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

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

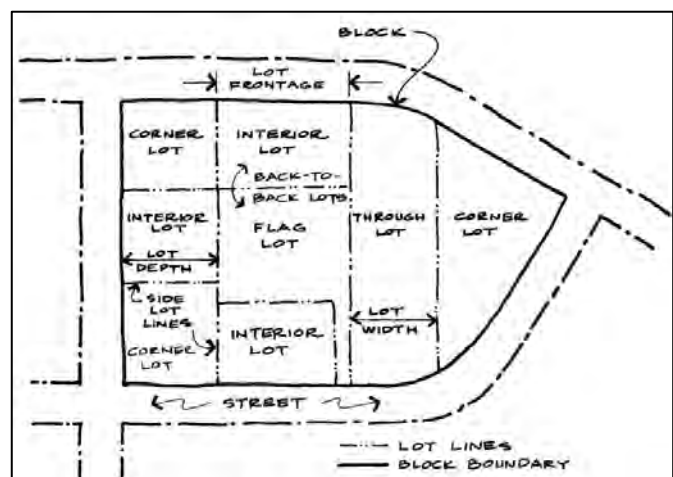
Livestock - Cattle, bison, sheep, goats, llamas, alpacas, swine, ostriches, emus, and similar animals.

Livestock Operation - See *animal husbandry*.

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

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

Lot - A designated parcel, tract or area of land, 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.



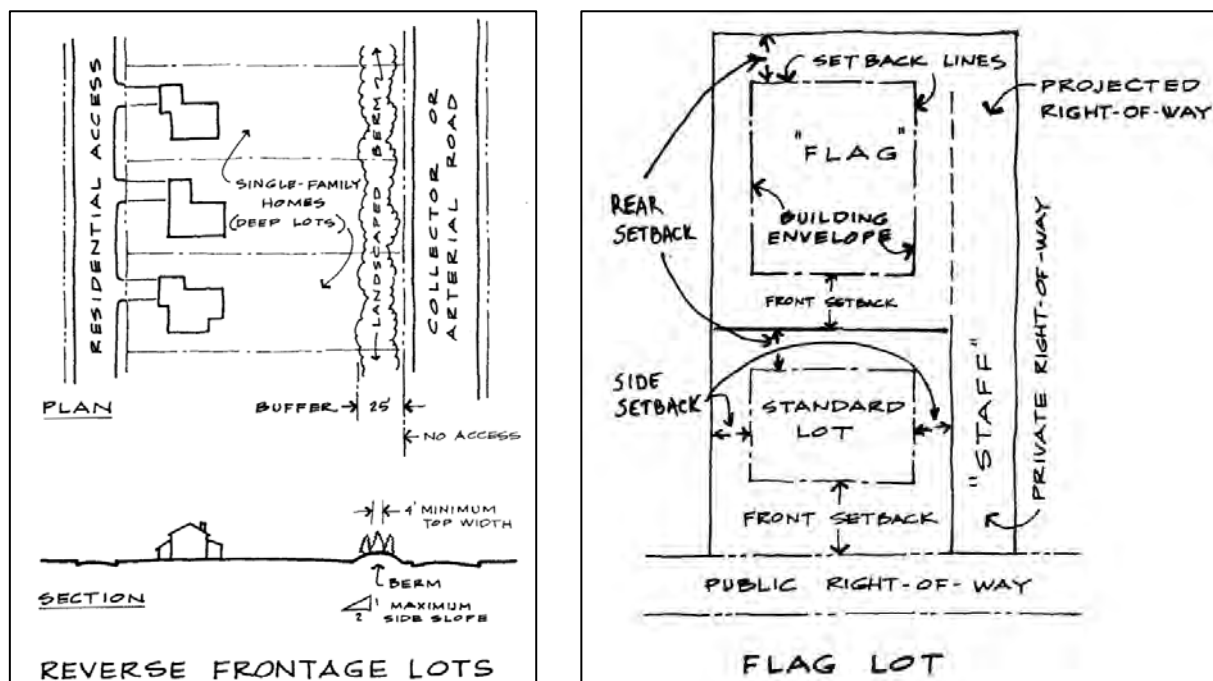
Lot, Corner - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Double Frontage - A lot extending between and having frontage on more than one street.

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

Lot, Flag - A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Interior - A lot other than a corner lot, the two (2) sides of which do not abut a street.



Lot, Reverse Frontage - A through lot with frontage on two (2) streets with vehicular access restricted to only one of the streets.

Lot, Through - The total number of square feet within the boundaries of the lot.

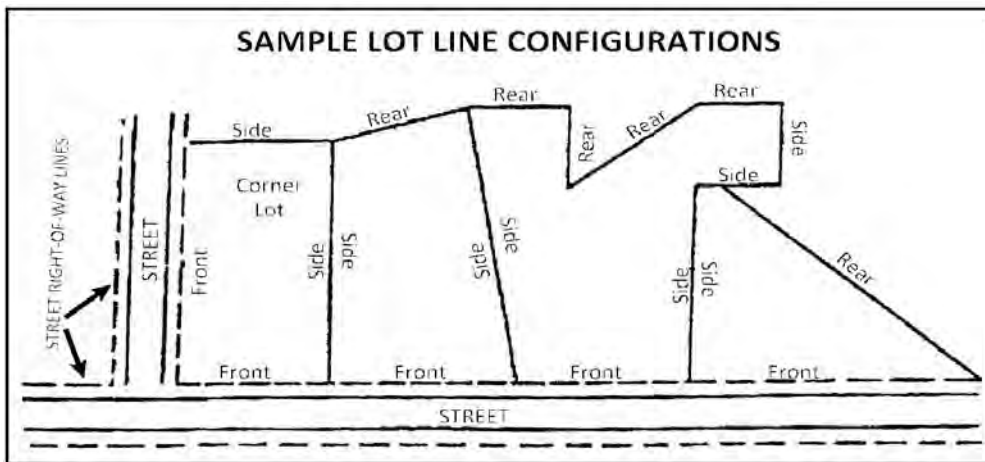
Lot Coverage - That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas.

Lot Depth - The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

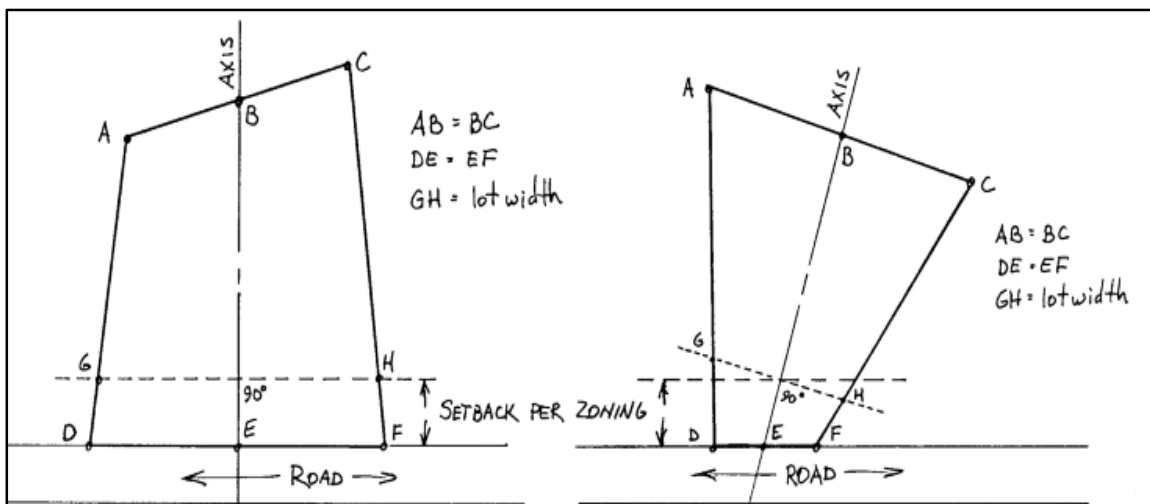
Lot Line, Front - The property line(s) separating the lot from a street.

Lot Line, Rear - The lot line opposite and most distant from the front lot line.

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



Lot Width – If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the required front setback. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. However, in no case shall the street frontage of the lot be less than fifty (50) percent of the lot width as required by this Ordinance. In the case of a flag lot, the lot line where the narrow access widens shall be considered the front lot line. (See following diagram.)



Lumbering – See forestry.

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

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

A. Fabrication, processing, assembly, repair, testing, packing and/or storage of products made from previously

prepared materials, products, components and parts such as cloth, plastic, food, paper, glass, leather, stones, and electronic components.

- B. Research, engineering or testing laboratories.
- C. Textile and clothing manufacturing.
- D. Furniture or other wood products production.

Light manufacturing does not include:

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

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

Massage Facility, Therapeutic - A service establishment that meets all of the following criteria: (Considered a *clinic* for regulation by this Ordinance.

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

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

Medical Marijuana Dispensary - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Commonwealth to dispense medical marijuana. Considered a *retail business* for regulation by this Ordinance.

Medical Marijuana Grower/Processor - A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Commonwealth to grow and process medical marijuana. Considered a *manufacturing, light* for regulation by this Ordinance.

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

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

exhibition or educational purposes with or without charge.

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

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

Mineral Depot: Any site, facility or operation with the primary use being the transfer of minerals from a railroad car or vehicle to another railroad car or vehicle for distribution, and/or the primary use being storage of minerals for distribution. This shall not include a *bulk fuel storage facility* or the storage or transfer of minerals incidental to another approved use.

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

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

Mineral Processing - The refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to,, concrete or cement batching plants, asphalt plants, manufacture of concrete and clay products, and natural gas processing. This shall not include activities typically part of a *pipeline compressor station, metering station or operation/maintenance facility*.

Mini-Mart - See *convenience store*.

Mobile Home - A transportable, single family dwelling intended for permanent occupancy contained in one unit,

or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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.

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

Model Home - Any structure erected for use as a display to promote the sale of similar residential structures, which may be utilized on a short-term basis as an office, with ultimate use of the structure to conform to a permitted use in the district in which the structure is located. (See also *sample home*.)

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

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.

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

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

Municipality – Tunkhannock Township, Wyoming County, Pennsylvania.

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

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

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no other employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

- E. The business activity shall not use any equipment or process, which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity shall not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- H. The business shall not involve any illegal activity.

Nonconforming: See Article IX.

Nursery, Wholesale - The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail establishments.

Nursing Home - See *personal care home*.

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

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

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

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

Official Zoning Map- The Official Zoning Map of Tunkhannock Township, Wyoming County, Pennsylvania.

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

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

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

Development Ordinance.

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

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

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

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

PA - The Commonwealth of Pennsylvania.

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

PA DOT or PennDOT - The Pennsylvania Department of Transportation.

Parcel - See *lot*.

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

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

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

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

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

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

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

Patio - An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be

constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

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

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

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

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

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

Personal Service – See *service establishment*

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

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

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

Planning Commission - The Planning Commission of Tunkhannock Township, Wyoming County, Pennsylvania.

Pond – See *lake*.

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

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

Primary Resources - See *resources, primary*.

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

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

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

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

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

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

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

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

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

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

second publication shall not be less than seven days from the date of the hearing.

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

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

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

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

Recreational Vehicle Park - See *campground or recreational vehicle 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 facility employing a technology that is a process that separates or classifies municipal waste (as defined by PA Code Title 25, §271.1) and creates or recovers re-useable materials that can be sold to or reused by a manufacturer as a substitute for or a supplement to virgin raw materials. The term does not include *solid waste facilities* or a *resource recovery facility*, or an accessory drop-off point or collection center for recycling.

Related or Relative: See *family*.

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

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

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

Resort - A business combining lodging, eating and recreational facilities for lodgers and/or non-lodgers as a single enterprise offered to the public at large or any segment thereof, not including *bed and breakfast*

establishments, campgrounds, recreational vehicle parks or mobile home parks. Amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, health centers, day care centers, facilities for commercial special events, and employee living quarters.

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

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

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

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

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

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

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

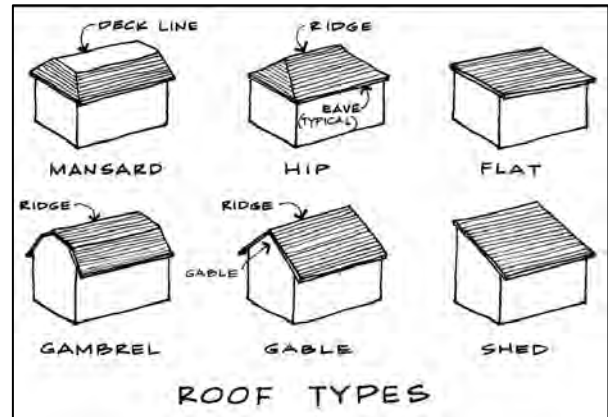
Right-of-Way - The total width of any land reserved or dedicated as a street, drainage way or for other private,

public or community purposes.

Roof - The outside top covering of a building.

Rooming House - See *boarding house*.

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



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

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

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

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

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

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

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

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

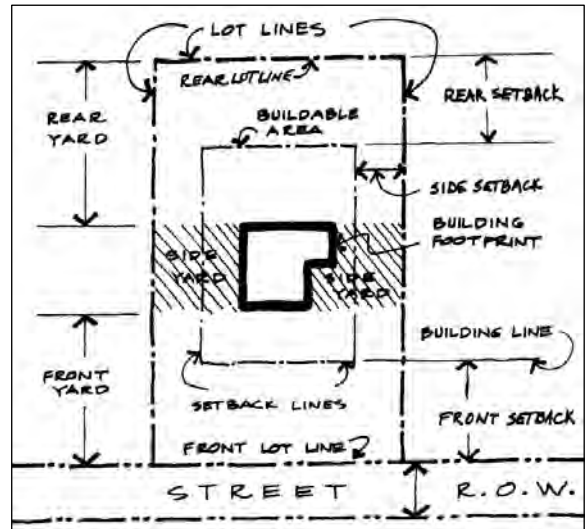
Setback, Front - The required minimum open space extending the full width of the lot between the principal structure(s), accessory structures, or other improvements and the front lot line. See also *yard* and *lot line*.

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

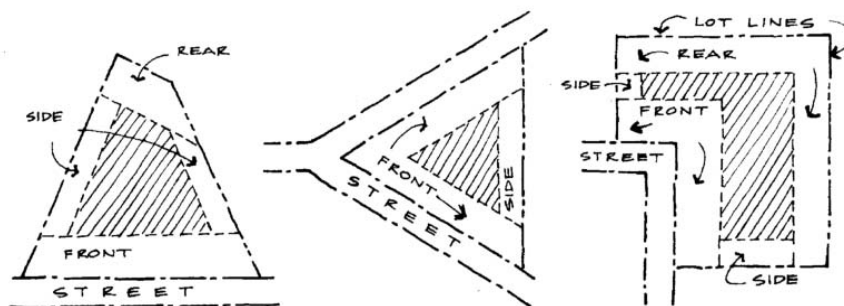
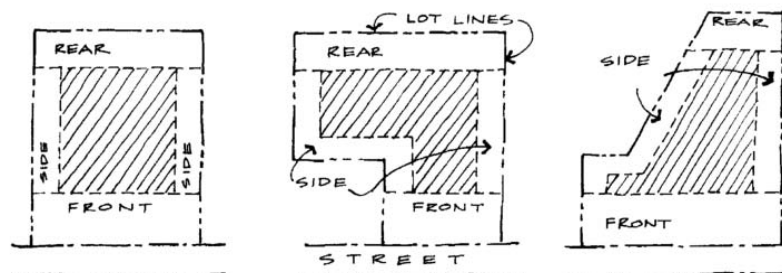
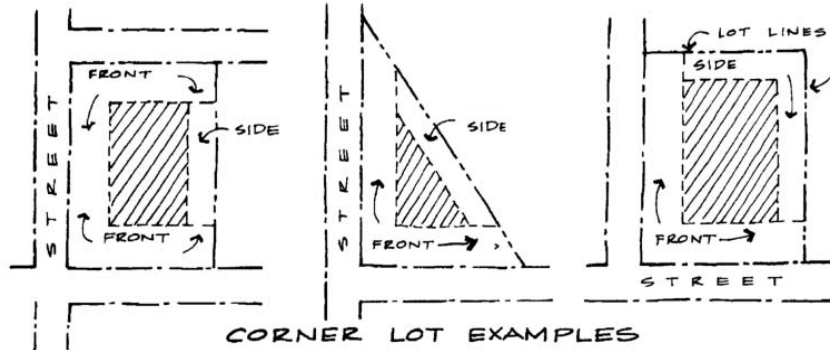
Setback, Required - The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this Ordinance. See also *yard* and *lot line*. (See next page for illustration.)

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

Setback Line - 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 street right-of-way and other setbacks from property lines.



REQUIRED SETBACKS



ODD-SHAPED LOT EXAMPLES

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

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

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

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

Sewage Treatment Plant - 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, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters.

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

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

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

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

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

Sign (and related definitions) - See Article XI.

Slaughter House - A type of *agricultural products processing* 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. *Slaughterhouse* does not include a custom butcher shop that does not involve killing of animals which is

considered a *retail business*.

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

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

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

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

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

Solar Power Generation, Commercial - A facility where one (1) or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

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

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

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

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

Sound Level - The intensity in decibels measured by a sound-level meter satisfying the requirements of American National Standards Institute Specification for Sound-Level Meters S1.4-1971. Sound level is the frequency-weighted sound pressure level obtained with the standardized dynamic characteristic "fast" or "slow" and

weighting A, B or C; unless indicated otherwise, the A-weighting is understood. The unit of any sound level is the decibel, having the unit symbol dB.

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

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

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

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

State - The Commonwealth of Pennsylvania and its agencies.

Steep Slopes - Those areas of land where the grade is twenty five (25) percent or greater. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For this Ordinance, slope shall be measured over three (3) two (2)-foot contour intervals (6 cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.

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

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

Stream - A natural watercourse. See *watercourse*.

Street - A strip of land, including the entire right-of-way, whether public or private designed to provide access by vehicular traffic and pedestrians.

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

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

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

Structure, Accessory – See *accessory structure*.

Structure, Principal – See *principal structure*.

Structural Alteration - See *alteration*.

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

Subdivision Ordinance or Subdivision and Land Development Ordinance – The Wyoming County Subdivision and Land Development Ordinance, as amended.

Supervisors - The Board of Supervisors of Tunkhannock Township.

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

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

- A. The perforation or cutting of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
- B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.
- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

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

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

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

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

Top of Bank - The top of the slope of the stream/river bed which is the normal high water mark.

Township - The Township of Tunkhannock, Wyoming County, Pennsylvania.

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

Tract - See *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).

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

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

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

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

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

Truck Stop - See *travel plaza*.

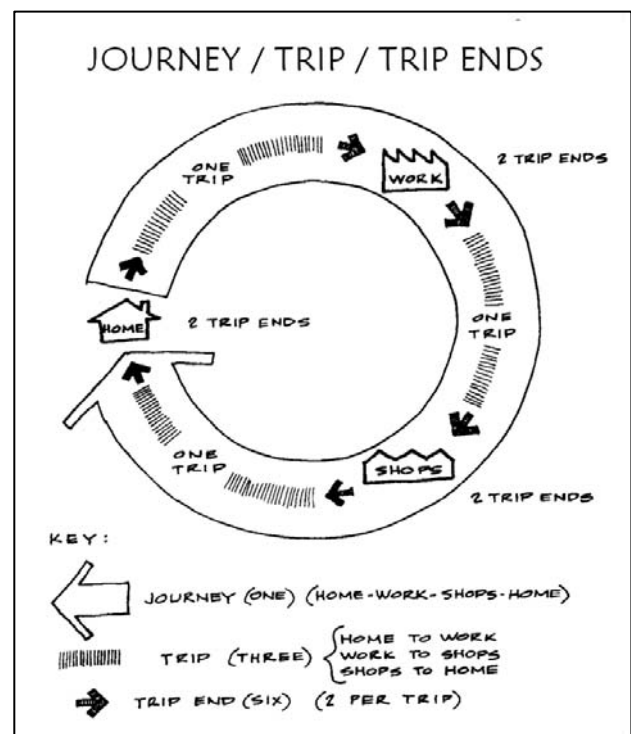
Truck Terminal - See *distribution center/truck terminal*.

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

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

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

Utility, Public - Any agency or entity that, under public ownership, or under certificate of convenience and



necessity issued by the Pennsylvania Public Utility Commission, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

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

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

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

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

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

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

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

Wall - See *fence or wall*.

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

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

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

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

lots and which may be publicly or privately owned and operated.

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

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

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

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

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

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

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

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

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

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

Winery - An establishment with facilities for fermenting and bottling wine which does not meet the definition of a *winery, farm*. Considered *agricultural products processing* for regulation by this Ordinance.

Winery, Farm - An establishment located on a farm with a producing vineyard, orchard, or similar growing area and producing wine on the premises from grapes or other fruit grown primarily on the premises. It may include tasting of wine produced on the premises; retail sales of wine related items and gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements; and a *restaurant or restaurant, outdoor* not involving any *drive-in/stand use*.

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

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

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

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

Zoning Map - The Official Zoning Map of Tunkhannock Township.

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

Zoning Ordinance - The Township Zoning Ordinance, as amended.

Zoning Permit - See *permit*.

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

ARTICLE IV DISTRICT REGULATIONS

401 Designation of Districts

401.1 Designation

For the purposes of this Ordinance, the following Zoning Districts are hereby created:

R - Residential District	RA - Rural-Agricultural District
SR - Susquehanna River District	VC - Village Commercial District
CI - Commercial-Industrial District	

401.2 Intent

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

401.3 Floodplain Overlay District

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

401.4 Optional Conservation Subdivision Design

Where permitted by the Schedule of Uses, conservation subdivision design may be used by a developer in accord with the Wyoming County Subdivision and Land Development Ordinance with the density bonus applied to the minimum lot sizes of this Zoning Ordinance.

401.5 Lake Carey Watershed Overlay District

The *Lake Carey Assessment & Watershed Plan* has documented that nitrogen and phosphorous associated with soil erosion and sedimentation, agriculture, and on-site sewage disposal systems all contribute to nutrient loading, which if left unabated, will eventually lead to continued water quality degradation and eutrophication of the Lake. The land use management recommendations of the *Watershed Assessment & Watershed Management Plan* are consistent with the *North Central Wyoming County Comprehensive Plan* and the purposes of this Zoning Ordinance: residential density controls, conservation easements, proper sewage disposal, soil erosion and sedimentation control, stormwater management, and buffers for streams, lakes and wetlands.

The Lake Carey Watershed Overlay District is hereby created to recognize the importance of the Lake to North Central and all of Wyoming County, and to protect the water quality of the Lake. All areas in the Lake Carey Watershed are included in the Overlay District. In addition to all other applicable standards of this Zoning Ordinance, the regulations in this §401.5 shall apply in the Lake Carey Watershed Overlay District.

- A. Dwellings - All types of residential development in the Lake Carey Watershed, except in the Village Commercial District, shall be limited to one (1) dwelling unit per acre.
- B. Nonresidential Development - Any proposed nonresidential use shall be considered a conditional use. In addition to the conditional use standards in §1208.4, the use shall be evaluated in terms of the effects on water quality and the Board of Supervisors shall attach such reasonable conditions to any approval as are necessary to mitigate any identified impacts.

- C. Soil Erosion and Sedimentation - In cases where a Conservation District/PA DEP erosion and sedimentation control permit is not required the Applicant shall prepare and follow a soil erosion and sedimentation control plan using accepted best management practices as approved by the Zoning Officer. In the case of nonresidential development, such plan shall be approved by the Wyoming County Conservation District.
- D. Stormwater - All proposed uses shall provide for stormwater management in accord with the standards in the applicable subdivision and land development ordinance. The improvement of a residential lot not previously included in a subdivision stormwater management plan shall also provide for management of stormwater in accord with the standards in the applicable subdivision and land development ordinance. The Applicant shall submit a plan documenting compliance for approval by the Zoning Officer.

401.6 Optional Residential Overlay District -- Developer's Option

The Residential Overlay District is hereby created to afford protection to residential subdivisions developed in the RA, VC and CI Districts. Based on the request of the Developer at the time of final subdivision approval of any residential development of ten (10) or more lots (not including the parent parcel), the approved subdivision, including all lots and other lands (such as conservation open land) which are part of the subdivision, shall be incorporated into the Residential Overlay District where all standards applicable in the standard Residential District shall apply in lieu of the underlying district standards.

401.7 Airport Overlay District

The Airport Overlay District is hereby created to include all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by Article XIII of this Ordinance. In addition to all other applicable standards of this Zoning Ordinance the requirements of Article XIII shall apply in the Airport Overlay District.

402 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map; 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 types, Use Regulations and Development Standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

404.1 Use Regulations

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

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

404.2 Uses Not Specified in Schedule of Uses

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

purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

404.3 Development Standards

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

SCHEDULE OF USES

ACCESSORY USES PERMITTED IN R, RA, VC and CI DISTRICTS (Zoning Officer)		
<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Animal husbandry, home use - Barns, silos, sheds, and similar agricultural buildings - Common facilities - Day care, family home - Decks - Essential services - Farm stands - Garages, private - Gazebos - Greenhouses, private 	<ul style="list-style-type: none"> - Guard houses - Home gardens and home nurseries - No impact home-based businesses - Parking areas accessory to approved uses - Pavilions - Patios - Pets, keeping of - Porches - Private garages, carports, sheds - Retail sales of agricultural/forestry products produced and/or processed on the premises 	<ul style="list-style-type: none"> - Retail sales up to 5,000 sq. ft. of agricultural/forestry related products with an active agriculture/forestry use - Satellite dish antennae or satellite antennas - Signs accessory to approved uses - Solar collectors - Stables, private in association with a single-family detached dwelling - Swimming pools - Wind turbine generators, accessory - Yard, lawn, garage, tag or estate sales

R - RESIDENTIAL DISTRICT	
<p>INTENT: To provide areas adequate to accommodate single-family and two-family housing needs and recognize existing residential communities. To limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods. Concurrently, forestry enterprises and agriculture are permitted, with a minimum parcel size required for livestock operations.</p>	
<p>PRINCIPAL PERMITTED USES (Zoning Officer)</p> <ul style="list-style-type: none"> - Animal husbandry, commercial - minimum of fifteen (15) acres - Bus shelters - Commercial stables - minimum of fifteen (15) acres - Crop production - Forestry enterprises - Group homes - Single-family detached dwellings - Two-family dwellings 	
<p>CONDITIONAL USES (Planning Commission/Supervisors)</p> <ul style="list-style-type: none"> - Agritourism - Bed and breakfast establishments - Day care, adult - Day care, child - Home occupations (See §503.3 for accessory use home occupations.) - Multi-family dwellings - Oil and gas wells on a minimum of five (5) acres - Places of worship - Wineries, farm 	
<p>SPECIAL EXCEPTIONS (Planning Commission/ZHB)</p> <ul style="list-style-type: none"> - none 	<p>NOTE: Uses not specifically listed by this schedule shall not be permitted in the R District except as approved in accord with §404.2.</p>

RA - RURAL AGRICULTURAL DISTRICT

INTENT: To maintain the existing character of the traditional rural working landscape. The continued use of land for agriculture and forestry enterprises is permitted, protected and encouraged. Recognizing the need for landowners to have economic opportunity not related to natural resources, residential development, limited recreational uses, certain institutional uses, and a number of other commercial uses are permitted subject to performance standards.

PRINCIPAL PERMITTED USES (Zoning Officer)

- | | | |
|--|--|---|
| - Agriculture related entertainment* | - Country clubs* | - Service establishments* |
| - Agritourism* | - Day care centers* | - Shooting preserves* |
| - Animal husbandry, commercial | - Exercise clubs* | - Single-family detached dwellings |
| - Art studios* | - Farmers markets* | - Stables, commercial, and horses for hire* |
| - Assisted living facilities* | - Forestry enterprises | - Staging areas for equipment/materials* |
| - Bed and breakfast establishments* | - Golf courses | - Storage yards for forest products and minerals* |
| - Boarding and lodging houses* | - Group homes | - Township buildings and uses |
| - Bus shelters | - Medical clinics* | - Two-family dwellings |
| - Clubs/lodges, private* | - Nursing homes* | - Veterinary clinics* |
| - Commercial greenhouses and nurseries | - Office buildings* | - Wineries, farm |
| - Community centers* | - Professional offices* | |
| - Cultural centers* | - Restaurants* | |
| - Conference centers* | - Restaurants, take out* | |
| - Contractor yards* | - Retail businesses with 20,000 sq. ft. or less of gross floor area* | |
| - Crop production | - Self-storage facilities* | |

*CONDITIONAL USE - Considered a conditional use if the proposed use is located within 300 feet of an existing residential dwelling not located on the same parcel with the proposed use. Measured from the physical location of the proposed use to the property line of the parcel on which the existing dwelling is located.

CONDITIONAL USE - Any nonresidential principal permitted use with 5,000 sq. ft. or more of gross floor area of building shall be considered a conditional use.

CONDITIONAL USES (Planning Commission/Supervisors)

- | | | |
|---|---|---|
| - Agricultural products processing | - Industrial wastewater treatment facilities | - Public parks and playgrounds |
| - Airports, private and public | - Kennels | - Recreational facilities, commercial** |
| - Animal shelters | - Lumberyards | - Recreational facilities, public |
| - Archery ranges, outdoor commercial | - Manufacturing, light** | - Restaurants, outdoor |
| - Campgrounds and recreational vehicle parks | - Mineral extraction | - Resorts |
| - Camps/retreats | - Mineral processing in association with mineral extraction per §825.3 | - Sawmills |
| - Cemeteries | - Mobile home parks | - Schools, public or private, primary or secondary |
| - Charging stations | - Multi-family dwellings at the same density as two-family dwellings | - Shooting ranges, outdoor commercial |
| - Colleges | - Oil and gas wells | - Trade schools |
| - Commercial communication device sites | - Pipeline compressor stations, metering stations or operation/maintenance facilities** | - Vehicle or equipment sales, rental or repair operations** |
| - Concentrated animal feeding operations | - Places of worship | - Warehouses** |
| - Emergency services stations | - Public and semi-public buildings and uses | - Water withdrawal facilities |
| - Health facilities** | | - Wholesale businesses** |
| - Heliports, accessory | | - Wind farms |
| - Home occupations (See §503.3 for accessory use home occupations.) | | - Zoos and menageries** |

** LOT SIZE and SETBACKS - A minimum of 5 acres shall be required and front, side and rear setbacks shall be a minimum of 50 feet unless other Ordinance sections are more restrictive.

SPECIAL EXCEPTIONS <u>(Planning Commission/ZHB)</u> - none	NOTE: Uses not specifically listed by this schedule shall not be permitted in the RA District except as approved in accord with §404.2.
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VC - VILLAGE COMMERCIAL DISTRICT

INTENT: To meet the daily business and community needs of nearby residents and to encourage a mix of uses typically found in traditional villages. Residential and public and semi-public uses are permitted along with limited scale and less intensive types of commercial trades and service activities in areas close to major highways.

PRINCIPAL PERMITTED USES (Zoning Officer)

- | | | |
|--|--|---|
| - Art studios | - Emergency services stations | - Recreational facilities, commercial |
| - Assisted living facilities | - Farmers markets | - Restaurants |
| - Banks | - Forestry enterprises | - Restaurants, take out |
| - Bed and breakfast establishments | - Group homes | - Retail businesses |
| - Boarding and lodging houses | - Hotels | - Self-storage facilities |
| - Bus shelters | - Livestock operations - minimum of fifteen (15) acres | - Service establishments |
| - Charging stations | - Meeting, assembly or banquet halls | - Single-family detached dwellings |
| - Clinics | - Motels | - Theaters, indoor |
| - Clubs/lodges, private | - Nightclubs | - Township buildings and uses |
| - Commercial greenhouses and nurseries | - Personal care homes | - Trade schools |
| - Community centers | - Office buildings | - Two-family dwellings |
| - Conference centers | - Places of worship | - Vehicle or equipment sales or rental operations |
| - Cultural centers | - Professional offices | - Veterinary clinics |
| - Crop production | | - Wholesale businesses |
| - Day care centers | | |

CONDITIONAL USE - Any use with 5,000 sq. ft. or more of gross floor area of building shall be considered a conditional use.

CONDITIONAL USES (Planning Commission/Supervisors)

- | | | |
|--|---|--|
| - Abused person shelter | - Group quarters | - Recreational facilities, public |
| - Agricultural products processing with 10,000 sq. ft. or less of gross floor area | - Hospitals | - Restaurants, outdoor |
| - Agritourism | - Home occupations (See §503.3 for accessory use home occupations.) | - Schools, public or private, primary or secondary |
| - Amusement arcades | - Indoor shooting ranges | - Shopping centers |
| - Animal hospitals | - Multi-family dwellings | - Vehicle or equipment repair operation |
| - Car and truck washes | - Oil and gas wells on a minimum of five (5) acres | - Veterinary clinics, outdoor facilities |
| - Convenience stores | - Outdoor entertainment | - Warehouses |
| - Drive-in stands/uses | - Public and semi-public buildings and uses | |
| - Flea market, outdoor | - Public parks and playgrounds | |
| - Funeral homes | | |

SPECIAL EXCEPTIONS <u>(Planning Commission/ZHB)</u> - none	NOTE: Uses not specifically listed by this schedule shall not be permitted in the VC District except as approved in accord with §404.2.
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CI - COMMERCIAL-INDUSTRIAL DISTRICT

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)

- | | | |
|--|--|--|
| - All principal permitted uses in the VC District | - Country clubs | - Recycling collection facilities, large and small |
| - Agritourism | - Golf courses | - Resorts |
| - Amusement arcades | - Lumberyards | - Staging areas for equipment/materials |
| - Animal husbandry, commercial - minimum of fifteen (15) acres | - Manufacturing, light | - Warehouses |
| - Colleges | - Oil and gas wells on a minimum of five (5) acres | - Wineries, farm |
| - Contractor yards | - Park and ride facilities | |

CONDITIONAL USE - Any use with 5,000 sq. ft. or more of gross floor area of building shall be considered a conditional use.

CONDITIONAL USES (Planning Commission/Supervisors)

- | | | |
|---|---|---|
| - All conditional uses in the VC District if not a principal permitted use in CI District | - Heliports, accessory and commercial | - Public parks and playgrounds |
| - Adult businesses | - Industrial wastewater treatment facilities | - Race tracks |
| - Agricultural products processing | - Industry | - Recreational facilities, public |
| - Aircraft sales, repair or modification | - Junktards | - Recycling collection facilities |
| - Amusement parks | - Large-scale retail/commercial development | - Recycling facilities |
| - Betting and gambling uses | - Mineral depots | - Retail home heating fuel distributors |
| - Bulk fuel storage | - Mineral processing | - Sawmills |
| - Bus, limousine or taxi terminals | - Mobile and manufactured home sales | - Schools, public or private primary or secondary |
| - Commercial communication device sites | - Pipeline compressor stations, metering stations or operation/maintenance facilities | - Slaughter houses |
| - Crematoria | - Power plants | - Solid waste facilities and staging areas |
| - Correctional facilities | - Public and semi-public buildings and uses | - Theaters, drive-in |
| - Distribution centers/truck terminals | | - Travel plazas |
| - Explosives or fireworks manufacturing or storage | | - Truck terminals / distribution facilities |
| - Gaming establishments | | - Water withdrawal facilities |

SPECIAL EXCEPTIONS
(Planning Commission/ZHB)

- none

NOTE:

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

SR - SUSQUEHANNA RIVER DISTRICT	
INTENT: The SR District is delineated as the area between the Township boundary and the top of bank of the River.	
PRINCIPAL PERMITTED USES (<u>Zoning Officer</u>) <ul style="list-style-type: none">- Outdoor recreation uses in accord with the rules and regulations of the Pennsylvania Fish and Boat Commission, the Susquehanna River Basin Commission, the Pennsylvania Department of Environmental Protection and other governing agencies- Water withdrawal and wastewater discharges structures, and other similar uses meeting all state and federal requirements	
CONDITIONAL USES (<u>Planning Commission/Supervisors</u>) <ul style="list-style-type: none">- none	ACCESSORY USES <u>Zoning Officer</u> <ul style="list-style-type: none">- none
SPECIAL EXCEPTIONS (<u>Planning Commission/ZHB</u>) <ul style="list-style-type: none">- none	NOTE: Uses not specifically listed by this schedule shall not be permitted in the SR District except as approved in accord with §404.2.

SCHEDULE OF DEVELOPMENT STANDARDS				
NOTE: Larger lot sizes, setbacks or other standards may be required by other sections of this Ordinance. In any case the most restrictive shall apply.				
Minimum lot size and density				
Type of Sewage Disposal and Water Supply	Minimum Lot Size (acres)		Minimum Land Area for Multi-Family Dwellings	
	single-family dwellings and non- residential uses	two-family dwellings		
on-site sewage disposal and on-site water	1.00	1.50	(central sewage and central water required) See §603	
on-site sewage disposal and central water	1.00	1.50		
central sewage and on-site water	0.50	0.75		
central sewage and central water	0.50	0.75		
all types in Lake Carey Watershed Overlay District	1.00	2.00		
Lot dimensions for lots proposed in a standard subdivision (See §601 for Conservation Design)				
	Lot size equal to or greater than (acres)			
	1.00	0.75	0.50	
Minimum width (feet)	125	100	75	
Maximum depth to width ratio (no lot need exceed a width of 300 ft)	4:1	4:1	4:1	
Minimum street frontage (feet)	not less than 50% of required lot width except for flag lots as provided by the SALDO			
Minimum building setback requirements for all uses (See §601 for Conservation Design)				
	Lot size equal to or greater than (acres)			nonconforming lots less than 0.50 acres
	1.00	0.75	0.50	
Front - from edge of each right-of-way (feet)	30	25	25	20
Each side - from property line (feet)	20	20	15	15
Rear - from property line (feet)	20	20	15	15
Residential maximum lot coverage (percent)	25	25	30	30
Non-residential maximum lot coverage (percent)	commercial and institutional - 60 light manufacturing and industry - 70			
Maximum building height (feet) -- see §501.4 for exceptions				
residential	35			
commercial and institutional	50			
light manufacturing and industry	60			

ARTICLE V SUPPLEMENTARY REGULATIONS

500 Introduction

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

501 Deviations From Required Sizes

No part of any structure, whether attached to the principal structure or not; including but not limited to, porches, carports, decks, balconies, chimneys, bay windows or overhangs shall project into any required setback. No lot, setback, 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 Access Drives; Driveways

Access drives serving a permitted use shall be permitted in all setbacks except as may be otherwise regulated by this ordinance, and provided a buffer of ten (10) feet is maintained from rear and side property lines. In the case of nonconforming lots, the buffer may be reduced to five (5) feet.

501.3 Front Setback 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 setback not less than the greater front setback of the two (2) adjoining buildings. However, the front setback shall not in any case be reduced to less than fifteen (15) feet.

501.4 Height Limitations

Unless otherwise regulated by this Ordinance, height regulations shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such nonagricultural structure which exceeds a height of fifty (50) feet shall be considered a special exception.

501.5 Extension of Non-Conforming Setbacks

See §910.3.

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

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

501.7 Reduction of Required Area or Space

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

501.8 Drainage Facilities, Easements and Rights-of-Way

No building or structure shall be erected within any drainage facility, channel, ditch, easement or right-of-way and no drainage facility, channel, ditch, easement or right-of-way shall be otherwise obstructed or altered.

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

- A. Residential Density - For the purposes of density of two (2) or more principal 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).
- B. Nonresidential Uses - In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, mineral extraction, solid waste facilities, or other uses with a special size requirement listed in this Ordinance, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- C. Residential and Nonresidential on the Same Lot - The following shall apply only where the lot complies with the required minimum residential lot size for the District.
 - 1. First Unit - One (1) residential unit per property shall be permitted in association with a nonresidential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal nonresidential structure. The residential unit shall be occupied only by the owner or employee of the nonresidential use(s).
 - 2. Other Units - Other residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a nonresidential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the nonresidential use.
- D. Structure Separation - Principal residential structures located on the same lot shall be separated by a distance at least twice the District minimum side setback requirement for each respective building. Principal nonresidential structures shall be separated by a distance not less than the greatest height of the adjoining buildings unless the Uniform Construction Code requires a greater separation. (See §503.1 for accessory structures.)

502.2 Street Frontage / Corner Lots

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

502.3 Clear View At Street Intersections

In the case of land developments, the requirements for clear view at intersections shall be governed by the Wyoming County Subdivision and Land Development Ordinance. In all other cases, this §502.3 shall apply

- A. All Intersections

1. Proper, safe stopping sight distance shall be provided with respect to both horizontal and vertical alignment at all intersections.
 2. Intersection sight distance shall be measured with the driver's eye assumed to be at a height of three and one-half (3.5) feet from the finished grade, the vehicle which must be seen at a height of three and one-half (3.5) feet above the finished grade and the location of the driver of the vehicle on the stop street at fifteen (15) feet back from the edge of the travelway of the through street.
 3. Safe stopping distances at intersections shall be provided in accord with the recommendations of the latest edition of *A Policy on Geometric Design of Highways and Streets*, published by AAHSTO, for the configuration of the subject intersection and the type of vehicle which governs the design. An analysis of the recommended sight distances shall be provided in an accompanying report.
- B. Clear Sight Easement - At all intersections, a clear sight easement shall be graphically indicated on all plans and shall be established by restrictive covenant. The clear sight easement shall include the area, outside the street rights-of-way, bounded by the following two (2) triangles:
1. The triangle formed by the street centerlines and the required intersection sight lines.
 2. The triangle formed by the street centerlines and a diagonal connecting two points, one on each centerline at the following distance from their point of intersections
 - a. If both streets are local or minor streets, eight-five (85) feet.
 - b. If the street of higher classification is a collector street, one hundred twenty-five (125) feet.
 - c. If either street is a connector street, one hundred seventy-five (175) feet.
 3. The clear sight easement shall be cleared, graded and prepared by the developer and then maintained by the owner of the underlying property so that sight obstructions between a height of two (2) feet and ten (10) feet are removed.

503 Accessory Structures and Uses

503.1 Accessory Structures

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

- A. Unattached Structures Accessory to Residential Buildings - Structures accessory to residential buildings which are not attached to a principal structure and do not exceed ten (10) feet in height and one hundred twenty (120) square feet in total floor area may be erected within the required side and rear setbacks of a principal structure, provided that no side setback be reduced to less than ten (10) feet. In the case of corner lots, the full setback 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. Unattached Accessory Structures to Nonresidential Buildings - Unattached accessory structures for other than residential structures or uses shall comply with front and side setback requirements for the principal structure

and shall have a minimum rear setback of not less than ten (10) feet. However, where the rear lot line abuts any R District, the rear setback shall be increased to the normal rear setback requirement.

- D. Child Playhouses - Child playhouses shall be considered accessory structures and shall comply with the requirements. However, a permit shall not be required for a child play house under one-hundred (100) square feet in total floor area.
- E. Utilities - Well houses and other accessory structures housing utilities and electricity generators, whether or not housed in a structure, shall comply with this §503.1.
- F. Disability Ramps - Temporary ramps accessory to single-family dwellings or two-family dwellings to provide access for a disabled person shall not be required to meet required setbacks provided the landowner provides a written agreement that the ramp will be removed when the person needing the ramp no longer occupies the dwelling. A permit shall not be required.

503.2 Fences

The erection of any fence shall not require a zoning permit, but shall comply with §502.3 of this Ordinance for clear sight triangles.

503.3 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 R District the total area used by all home occupations on the premises does not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this Ordinance. In all other districts the total area shall not exceed fifty (50) percent.
- 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 R District the home occupation shall be conducted only by members of the family residing in the dwelling and not more than one (1) person other than residents of the dwelling shall be employed on the premises. In all other districts, the number of nonresident employees shall not exceed three (3).
- G. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
- H. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes,

electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

- I. No goods or items for retail or wholesale sale shall be permitted except for items hand crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to indoors and not more than two hundred (200) square feet.
- J. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In the R District, the use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
- K. One (1) sign not more than ten (10) square feet for each face shall be permitted in accord with Article XI.
- L. §701, Performance Standards, shall also apply to home occupations.
- M. The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail or wholesale sales, restaurant, crematoria, funeral parlors or other uses not meeting the requirements of this §503.3.1.
- N. The following types of uses shall be permitted as accessory uses in all districts:
 - 1. Professional offices for individual practitioners
 - 2. Rooming and/or housing of not more than two (2) persons.
 - 3. Custom dressmaking or tailoring.
 - 4. Foster family care for not more than four (4) children simultaneously.
 - 5. Day care that provides care for six (6) or fewer children at any one time who are not relatives of the care giver.
 - 6. Tutoring for not more than four (4) children simultaneously.
 - 7. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises
 - 8. Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises
 - 9. Single practitioner beauty shops and barbershops.
 - 10. No-impact home-based businesses as defined in Article III.
- O. All applications for home occupations not specifically enumerated as permitted in §503.3.1N, except as excluded by §503.3.1M, shall be considered special exceptions.

503.4 Private Parking Areas, Garages Accessory to Residential Uses

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

503.5 Home Gardening, Nurseries and Greenhouses

Home gardening and accessory structures used for home nurseries or as home greenhouses are permitted in all Districts.

503.6 Stables, Private

Private stables are permitted in accord with the Schedule of Uses subject to the requirements of §806.2 of this Ordinance.

503.7 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 RA and CI Districts as a conditional use.
- 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 residential district or any existing dwelling not located on the parcel for which the heliport is proposed.

503.8 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.

503.9 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 and a zoning permit shall be required. However, no fence shall be required.

503.10 Tennis Courts

A tennis court shall only be located in a rear or side yard and shall not be closer to a property line than ten (10) feet. Tennis court fences shall be permitted, but shall not be closer than ten (10) feet to a property line.

503.11 Wind Turbine Generators, Accessory

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

A. Height

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

B. Setback

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

C. Uniform Construction Code; Manufacturer's Standards

- 1. Applications for accessory wind turbine generators shall be accompanied by standard drawings of the

wind turbine structure, including the tower, base, and footings, documenting compliance with the Uniform Construction Code.

2. The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
3. Prior to the issuance of a certificate of use the applicant shall provide certification from a Pennsylvania Registered Professional Engineer that the generator and support structure have been installed in accord with all Uniform Construction Code and manufacturer requirements. If deemed necessary by the Zoning Officer, the Zoning Officer may require certification from a registered professional engineer or a representative of the manufacturer.

D. Climb Prevention/Locks/Fence

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

E. Noise and Shadow Flicker

1. Audible sound from an accessory wind turbine generator shall not exceed forty-five (45) dBA as measured at the property line of the parcel on which the accessory wind turbine generator is located. Methods for measuring and reporting acoustic emissions from wind turbines and the wind energy facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
2. Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
3. For the purposes of this §503.15E, *occupied building* shall mean a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

F. Color and Lighting; FAA - Accessory wind turbine generators and support structures, including rotors, shall be a non-obtrusive color such as white, off-white or gray. Wind turbines shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No wind turbine shall be artificially lighted, except as required by FAA requirements.

G. Speed Control - All wind turbine generators shall be equipped with manual and automatic over-speed controls to limit rotation of the wind rotor to a speed below the designed limits of the system .

H. Utility Company - No wind turbine generator shall be installed until documentation has been provided that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off the grid systems shall be exempt from this requirement.

I. Number on Property - No more than three (3) wind turbine generators shall be permitted (with a total output not to exceed 40 kilowatts) on a single property.

- J. Accessory Building - When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed one hundred fifty (150) square feet in area, eight (8) feet in height and shall not be located within any required front, side or rear setbacks.
- K. Drawings; Site Plan- Permit applications shall be accompanied by detailed drawings of the wind turbine generator including the supporting structure, footings, electrical details and required equipment. The proposed installation shall be in compliance with the 2006 IECC and be certified by a professional engineer. A plot plan shall be provided to document all required setbacks, and a survey may be required.
- L. Certification - Upon completion of constructing a the wind turbine generator, and prior to operation, the installer shall certify that all components have been installed in accordance with the plans and specifications that were submitted with the permit application.
- M. Excess Electricity - Accessory wind turbine generators shall provide power for the principal use and/or accessory use of the property on which it is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- N. Removal - Any wind turbine generator that is inoperable and has not functioned for a period of twelve (12) months shall be deemed to have been abandoned and shall, upon notification by the Township, be subject to removal by the owner, at the owner's expense.

503.12 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. Power Lines - All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- G. Uniform Construction Code; Manufacturer's Standards - The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- H. Removal - The solar collectors and all associated equipment and facilities shall be immediately removed when it is no longer in service and failure to do so shall constitute a zoning violation.

503.13 Private Flea Markets and Similar Events

Private flea markets, craft fairs, bazaars, celebration and similar community events conducted by a service, nonprofit, religious or charitable organization are permitted as accessory uses provided that the same are conducted upon lands owned by such organizations or conducted upon land leased to such organization situated in any district. Any such organization may not conduct a private flea market for more than seven successive days and not more than two (2) such periods in any one (1) calendar year.

504 Off-Street Parking and Loading

This §504 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development shall be governed by the parking and loading area design standards in the Wyoming County Subdivision and Land Development Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the off-street parking and loading facilities shall be subject to the enforcement provisions of this Ordinance.

504.1 Availability of Facilities

Off-street parking, loading, and unloading facilities and pedestrian access 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

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

504.3 Lighting

Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways and shall comply with §701.8.

504.4 Public Right-of-Ways

Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas

and in accord with Township parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street.

504.5 Reserved

504.6 Number of Spaces To Be Provided

- A. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off- street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- 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 conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §504 and the applicant shall agree in writing to install the parking at the direction of the Township Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §504.12).

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.

USE	PARKING SPACES REQUIRED
A. Dwellings	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	

1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
G. Educational, cultural religious social, fraternal uses	
1. Public schools	1.75 per classroom for elementary and middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 2 persons of fully utilized design capacity
4. Commercial water craft docking facilities, including such facilities at waterfront marinas	2 per every 3 slips
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses (See definition of “vehicle” in Article III.)	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
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
<p>Note: SFGFA means <i>square feet of gross floor area</i>. 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>	

For uses not specifically provided above, the Township 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

A. Controlled Access - 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. The provisions in this §504.8 shall apply unless otherwise regulated by PennDOT, a Township Driveway Permit Ordinance, or a Township Highway Access Management Ordinance in which case such standards shall apply.

- 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. 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.
- Minimum and maximum dimensions for the width of driveways in the throat are provided in the following Table. The dimensions in the table assume one (1) lane in each direction; engineering judgment shall be used to determine appropriate dimensions for multi-lane driveways.

Width	1-Way Use	2-Way Use
Minimum	10 feet	20 feet
Maximum	24 feet	28 feet

3. Driveways shall be designed such that the opening at the curbline is no larger than necessary. The maximum desirable curbline opening is fifty (50) feet. Curbline opening is the overall opening dimension at the curbline measured between the points of tangency of the driveway radii if curbing exists or the maximum width of opening at the edge of the roadway if curbing does not exist.

- B. 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.

504.9 Parking, Interior Lanes and Loading Area Setbacks

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

1. Measurement - The width of the buffer shall be measured from property lines and from the curb line or from the legal right-of-way line after development if no curbs will be provided.
2. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - a. Paving except for approved driveway/access way crossings
 - b. Fences unless integral to landscaping
 - c. Parking, storage or display of vehicles
 - d. Items for sale or rent
3. Uses Permitted - The buffer area may include the following:
 - a. Permitted freestanding signs

- b. Pervious storm water facilities
- c. Approved driveway/access way crossings

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

B. Single-family and Two-family Dwellings - Parking areas, access drives and interior lanes serving single-family and two-family dwellings shall be separated from any public road right-of-way or adjoining property lines by not less than ten (10) feet.

504.10 Surfacing

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

504.11 Off-Lot Parking

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

504.12 Joint Use Parking

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

504.13 Reserved

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 all applicable federal requirements.

504.17 Pedestrian Access and Circulation

The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

ARTICLE VI - RESIDENTIAL STANDARDS

601 Conservation Subdivision Design (This section may be applied at the Developer's option.)

Where permitted by the Schedule of Uses, conservation subdivision design may be used by a developer in accord with the Wyoming County Subdivision and Land Development Ordinance with the density bonus applied to the minimum lot sizes of this Zoning 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 IV and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article IV.

602.2 Single Parcel

In cases where the two-family dwelling consists of two (2) dwelling units constructed with one(1) unit located on the second floor above a first floor dwelling unit or is a duplex involving a common (i.e. party) wall, the lot size shall comply with Part 1 of the Schedule of Development Standards in Article IV and minimum lot dimensions shall comply with Part 2 of the Schedule of Development Standards in Article IV. 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.

603 Multi-Family Dwellings

Where permitted by the Schedule of Uses, multi-family dwellings may be developed in accord with the requirements, including density, of the Wyoming County Subdivision and Land Development Ordinance.

604 Conversion to Dwellings

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

605 Group Homes

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

605.1 Definition

See definition in Article III.

605.2 Supervision

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

the group home is intended.

605.3 Certification

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

605.4 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.

605.5 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.

605.6 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.

605.7 Number of Residents

Not more than eight (8) persons shall reside in a group home, not including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.

606 Reserved

607 Mobile Home Parks

Where permitted by the Schedule of Uses, mobile home parks may be developed in accord with the requirements, including density, of the Wyoming County Subdivision and Land Development Ordinance.

608 Mobile Homes on Individual Lots

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

609 Functional Families (See definition in §303.)

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 §1208.4 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 are considered conditional uses in certain districts as set forth in the Schedule of Uses and shall comply with the following standards in addition to all other applicable standards in this Zoning Ordinance.

- A. Adequate off-street parking is provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one (1) space for each rentable room; one (1) space for each non-resident employee, and two (2) spaces for the dwelling unit.
- B. Not more than five (5) rentable rooms are provided in the establishment.
- C. The owner or manager of the bed and breakfast must reside on the premises.

- D. Sewage disposal meeting the requirements of the Township and PA DEP is provided.
- E. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

611 Hotels, Motels, and Lodging Facilities

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

611.1 Density

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

611.2 Design Criteria

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

**ARTICLE VII
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 objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.
- 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. The Right to Know Law protects certain information submitted in connection with a zoning permit from public disclosure by the Borough. §708(3) of the Right to Know Law, 65 P.S. 67.708(3), exempts, "A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include ... (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems." Additionally, §708(11) of the Right to Know Law, 65 P.S. 67.708(11), exempts, "A record that constitutes or reveals a trade secret or confidential proprietary information." An applicant for a zoning permit may designate application material submitted to the Borough meeting the exemption criteria of the Right to Know Law as confidential. Such confidential information shall thereafter be protected from public disclosure by the Borough to the extent permitted by law.
 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, light manufacturing or industrial use is proposed contiguous to any existing residential use or contiguous to or within any R 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. If larger setbacks and/or buffers are required by another provision, the larger shall apply. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.

In the case of conditional uses and special exceptions, landscaped buffers may be required by the Township in any

yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the rural character of the District.

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than fifteen (15) feet.
- C. A mix of ground cover and 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

Landscaping shall be required for land developments in accord with the Wyoming County Subdivision and Land Development Ordinance.

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 conditional use.

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 one hundred (100) feet from any existing residential structure or any R Residential, unless a greater setback is required by the Township.
- 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. Vehicles, Trailers, Containers - Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted except as follow:
 1. Trailers and containers, but not motor vehicles, painted one color without advertising and maintained in good condition, may be used as accessory structures provided all wheels and axles are removed, are erected and maintained as structures, maintain a front, side and rear setback of fifty (50) feet, are screened from view from adjoining properties in accord with §701.1 and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.
 2. Trailers and containers, but not motor vehicles, painted one color without advertising and maintained in good condition, shall be permitted for storage for a temporary period on the site of an on-going construction project. The placement of said trailers shall be for a specified time as stated in the required permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

701.4 Fire and Explosion Hazards

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

701.5 Radioactivity or Electric Disturbance

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

701.6 Noise

A. Definitions:

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 chapter, 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.

Maximum Sound Levels					
Period	Receiving Land Limits (dBA)				
	Existing Dwelling	Zoning District			
		R	RA & SR	VC	CI
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

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:

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".

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 conditional use 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 Board of Supervisors 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 chapter and/or a conditional use 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

The standards of this §701.8 shall apply to all uses including residential and agricultural. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as a guideline

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

Any proposal which is considered a land development shall be governed by the lighting standards in the Wyoming County Subdivision and Land Development Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the lighting shall be subject to the enforcement provisions of this Ordinance.

- A. Exemptions - This § 701.8 shall not apply to street lighting that is owned, financed or maintained by the Township or State, or lighting required in accord with state or federal regulations provided such lighting meets the applicable standards.
- B. Areas to be Lighted - All access ways leading to required parking areas, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
- C. Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
- D. Glare - No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
- E. Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Township.
- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety.
- G. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising holiday lights between October 25th and January 10th.
- H. Building Lighting - The exterior accent lighting of commercial, industrial, institutional and other nonresidential buildings shall be permitted in accord with the following:
 - 1. The lighting accentuates an architectural or aesthetic element of the building, not the entire building.
 - 2. The light shall only be directed onto the building facade and shall not spillover beyond the plane of the building.
 - 3. Upward aimed lighting is prohibited. The lighting shall be aimed downward, shall be fully shielded and shall be mounted as flush to the wall as possible.
 - 4. Lights that outline property lines, sales areas or any portion of a structure, or any other lighting which has the effect of advertising or drawing attention to the property or a particular business or commercial activity, shall not be permitted except in accord with §701.8.G.

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 and 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 except in full compliance with PA Department of Environmental Protection requirements..

701.12 Surface and Ground Water Protection

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

701.13 Storm Water Management and Soil Erosion Control

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

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

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

701.14 Waste Materials

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state

and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

701.15 Handicapped Access

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

701.16 Settling and/or Storage Ponds and Reservoirs

All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process 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 facility which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high.

701.17 Security

In cases where deemed necessary by the Township (detention facilities, 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, type 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.

701.20 Other Regulations

The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be may require documentation from the Applicant demonstrating that the project complies with all other applicable local,

state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including, but not limited to, the PA Department of Transportation, the PA Department of Environmental Protection the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

701.21 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.

702 Reserved

703 Reserved

704 Special Conservation Standards

All uses permitted by this Ordinance shall be subject to the following special conservation performance standards. The procedures and standards are as follows:

704.1 Steep Slope Areas

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

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot in the underlying zoning district. Provision shall be made and approved by the Township Engineer for control of runoff from impervious surfaces to prevent erosion and stormwater damage to downstream properties.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density

shall be achieved.

- F. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- G. Soils characterized by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
- H. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- I. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- J. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
- K. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

704.2 Buffers for Wetlands

- A. 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, and vernal pools to be delineated on any application proposing a new use or expanded use of land.
- B. The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated
- C. A buffer of twenty-five (25) feet in width shall be maintained for all wetlands. The buffer shall be measured perpendicular to and horizontally from the edge of the delineated wetland for a distance of twenty-five (25) feet.
 - 1. Unpaved trails and non-clear cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this Zoning Ordinance shall be permitted.
 - 2. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 - 3. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- D. 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.
- E. 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 Buffers for Lakes and Ponds

A buffer of not less than twenty-five (25) feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all lakes and ponds one (1) acre or more in size.

- A. Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
- B. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- C. Residential accessory structures, boat docks and accesses, and tree trimming for lake front views shall be permitted provided that no more than thirty-five (35) percent of the buffer area is affected.
- D. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

704.4 Stream Buffer

A buffer of not less than fifty (50) feet in width shall be maintained along all streams. The buffer shall be measured perpendicular to and horizontally from the top of bank of the stream for a distance of fifty (50) feet.

- A. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
- B. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
- C. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.

704.5 Floodplain

Floodplain shall be governed by the floodplain regulations in Article XIV.

705 Reserved

706 Property Line Buffer Areas

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

706.1 Natural Vegetation

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

- A. Clearing of vegetation shall be limited to those areas of the site needed for proposed and required improvements.
- B. Any part of a site where existing vegetation has been disturbed and which is not used for buildings, structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped.
- C. In the case of 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 VC and CI Districts:

- A. A buffer shall be maintained until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance. The buffer shall not be less than seventy-five (75) feet in width and 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.
- 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.

707 Reserved

708 Traffic Impact Study (TIS)

Traffic impact studies are required for certain activities to enable the Township to assess the effect on the transportation system in and around the Township and to:

- A. Ensure that proposed uses do not adversely affect the transportation network.
- B. Identify any traffic problems associated with site access.
- C. Determine traffic problems on private, Township, County or State roads in the project traffic study area.
- D. Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

708.1 TIS Requirement

- A. Thresholds - A TIS shall be required for all residential and nonresidential proposals that are projected to generate one hundred fifty (150) or more trip-ends per project peak hour or one thousand five hundred (1,500) trip-ends or more per day based on the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) above the peak hour or daily thresholds.

B. Other Projects - The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may also, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township a TIS for the types of developments and uses listed below. The requirements of this §708 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the TIS should such components be deemed unnecessary for certain uses.

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

708.2 Professional Requirements

The TIS shall be prepared by a registered professional traffic engineer or transportation planner with verifiable experience in preparing such studies.

708.3 Study Requirements

- A. State Roads - In cases where PennDOT requires a TIF for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
- B. Township Roads - If a TIS is required for access to a Township road, the TIS shall be prepared in accord with PennDOT methodology.

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

- A. Applicable Standards - In addition to all other applicable standards in this Ordinance, the standards in this Article VIII, 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.
- B. Minimum Required Area - There shall be no ambiguity or alternate interpretation of the provisions of this Article VIII related to the minimum land area required for specific uses. Area of land, land area, lot size, parcel area, parcel size, tract area and any similar terms as related to the minimum area required shall be determined in accord with the definition of lot area, minimum required in §303.

801 Reserved

802 Adult Businesses

802.1 Findings

In adopting these standards which apply to adult businesses, the Township 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 Township, 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. Health Concerns - The concern over sexually transmitted diseases is a legitimate health concern which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Behavior - 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 - 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. Unhealthy Conditions - Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Sexual Activities - 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. Communicable Diseases - 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. Unhealthy Conditions - 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. Bodily Fluids - Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view *adult* oriented films.
- I. Accountability - Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- J. Externalities. 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. Operational Characteristics - 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. Reason for Control - 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.

802.2 Intent

It is the intent of this §802 to:

- A. Secondary Effects - 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. Zoning District - Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Content - 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. First Amendment - 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. Intended Market - Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. PA Code - Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

802.3 Standards

The following standards shall apply to adult businesses:

- A. Setbacks - Adult business shall comply with the following minimum setbacks:
 - 1. One hundred (100) feet from any public road right-of-way;
 - 2. One hundred and fifty (150) feet from any property line;
 - 3. Five hundred (500) feet from any:
 - a. residence
 - b. group care facility
 - c. facility catering primarily to persons under 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
 - h. gaming establishment
 - i. place of worship
 - j. public or private school
 - k. R District boundary line
- B. Similar Businesses - Adult businesses shall not be located within two hundred fifty (250) feet of any other adult business.
- C. Measurement - The setbacks established in this §802 shall be measured from the nearest edge of the building used for the adult business to the nearest edge of the building used for a use from which the required setback applies. In the case of a required setback use without a building, the setbacks shall be measured from the nearest edge of the building used for the adult business to the nearest point of any structure associated with the use from which the setback applies. The measurement shall be made in a straight line without regard to intervening structures or objects
- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision, but only in accord with the limitations of this Ordinance.
- E. Limit of One 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 §802 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except as permitted in §802.3D. 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 other type of adult business.
- G. Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §802.3A is developed within the required setback distance.
- H. Lighting - Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements .
- I. Visibility - Any building, structure, or room used and occupied as an Adult Business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed, and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- J. Signs - Exterior signs shall comply with the provisions of Article XI 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. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- K. Entrances - Each and every entrance to the structure shall be posted with a notice that the use is an Adult Business, that persons under the age of eighteen (18) are not permitted to enter, and warning all others that they may be offended upon entry.
- L. Physical or Sexual Contact - No use shall include live actual or simulated sex acts or any physical or sexual contact between employees and contractors, entertainers or dancers, nor between employees, contractors, entertainers or dancers and customers. At an adult live entertainment use or facility, employees, entertainers and dancers shall maintain a minimum distance of three (3) feet from customers.
- M. Hours of Operation - The use shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
- N. Viewing Booths - For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- O. Garments - All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful Adult Live Entertainment Use or Facility.
- P. State Law Compliance - As a specific condition of approval under this Ordinance, the applicant shall prove compliance with all applicable State laws, including, but not limited to, the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
- Q. Exemption for Modeling Class - Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall be exempt from the provisions of this §802:

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.

803 Reserved

804 Airports And Heliports (See also Article XIII.)

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

804.1 Conditional Use

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

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

804.2 Application Contents

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

- A. A full narrative description of the airport and any changes proposed.
- B. Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.
- C. Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.
- D. Copies of all applications, correspondence, documents, maps or plans submitted to the 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 how the lands or air rights negatively affected shall be acquired, if necessary.
- 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 conditional use, the Supervisors shall consider:

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

G. The provision of hazard lighting and marking;

H. The importance of aircraft safety.

804.7 Runway and Landing Pad Setbacks

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

805 Amusement Parks

Amusement parks, in addition to all other applicable standards, shall be subject to the following standards.

805.1 Fencing

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

805.2 Structure Height

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

805.3 Hours of Operation

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

806 Animal Husbandry and Crop Production

806.1 State Protected Agricultural Operations

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

806.2 Animal Husbandry, Commercial (See §819 for *concentrated animal feeding operations*.)

Animal husbandry shall be permitted only in those districts as designated on the Schedule of Uses.

- A. Setbacks - Any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall not be less than one hundred (100) feet from any property line or road right-of-way. The setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- B. Manure Odors - Because the Township is a rural/agricultural area with farms, the spreading of manure as part of an ongoing agricultural operation and not associated with a concentrated animal feeding operation shall not be considered an offensive odor and shall be exempt from §701.10.

806.3 Animal Husbandry, Home Use (See §807.2 for private horse stables.)

The keeping of animals such as cows, steers, goats, sheep, swine, fowl, rabbits and other similar domesticated animals shall be permitted as an accessory use to a single-family residence in any District with an accessory use permit in accord with the following criteria:

A. Cows or Steers, Swine, Goats or Sheep or Similar Animals, or Small Furbearing Animals

1. A minimum parcel of two (2) acres shall be required.
2. Not more than the following number of animals shall be kept on the minimum two (2) acre parcel.
 - a. Cows or steers - two (2), or
 - b. Swine - two (2), or
 - c. Goats or sheep - four (4), or
 - d. Small fur bearing animals - fifty (50)
3. The following number of animals may be kept for each additional full acre of land:
 - a. Cows or steers - one (1)
 - b. Swine - one (1)
 - c. Goats or sheep - two (2)
 - d. Small fur bearing animals - twenty-five (25)
4. No stable building, pen, feed lot, corral, or other area where animals are concentrated shall be located less than one hundred (100) feet from any property line and any public or private road. No swine shall, in any case or manner, be kept less than two-hundred (200) feet from any adjoining property line and one-hundred fifty (150) feet from any public or private road.

B. Fowl, Rabbits or Similar Small Animals

1. A minimum parcel of one-half (0.5) acre shall be required.
2. Not more than ten (10) total animals shall be kept on the minimum one-half (0.5) acre parcel with an additional ten (10) animals for each additional full one-half (0.5) acre.
3. Pens or other area where thirty (30) or less animals are concentrated shall comply with the setbacks for principal structures and all others shall be located not less than one hundred (100) feet from any property line and any public or private road.
4. Fowl, rabbits or similar small animals may be kept in addition to the animals in §806.3A at the rate in this §806.3A

C. Grazing - All animals shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five (5) feet from the property line or public or private road.

F. Nuisances - Nothing herein shall be construed to allow the continuance of any nuisance or threat to health, safety and welfare that might be created by keeping of animals regardless of conformity with these regulations. Nuisances, as defined by the Second Class Township Code, including, but not limited to noise, odors and drainage problems, are hereby prohibited and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies.

G. Commercial Operations - The keeping of animals or fowl for any commercial purpose shall be defined as *animal husbandry, commercial* and shall meet the requirements of §806.2.

806.4 Crop Production

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

807 Animals, Keeping of

TABLE 807 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES					
Type of Use	Minimum Lot Size (acres)	Number of Horses Permitted	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stables in all Districts	1	2 horses plus 1 horse per each additional full acre	50	50	100
Commercial Stables, Horses for Hire	5	not regulated	100	75	100
Animal Shelters Kennels	2	not applicable	75	75	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.					

807.1 Animal Shelters and Kennels

- A. **Parcel Size** - A minimum parcel of two (2) acres shall be required.
- B. **Setbacks** - Any structure, outdoor kennels, or animal exercise areas used for the keeping of animals shall meet the setbacks on Table 807.
- C. **Parking** - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each nonresident 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 kennel areas or animal exercise areas not enclosed in a building.
- E. **Hours Outdoors** - All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 A.M.
- F. **Wastes** - All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §807.1B until disposed of and proof of such disposal shall be provided to the Township upon request.
- G. **Nuisances** - All animal wastes shall be stored in an area meeting the setbacks in §807.1B and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

807.2 Stables, Private

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

- A. Parcel Size - One (1) acre.
- B. Number of Horses - See Table 807.
- C. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- D. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance.
- E. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 806. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback. However, no setback shall be reduced in violation of other Ordinance requirements.
- F. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 806, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- G. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- H. Uses Permitted - The following types of uses shall be permitted as part of the operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures for training.
 - 3. Boarding of horses.

807.3 Stables, Boarding, Commercial and Horses for Hire

Commercial stables, including horses for hire, shall, in addition to all other applicable requirements, 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 provisions and other applicable standards are met.
- B. Number of Horses - The number of horses permitted shall not exceed one (1) horse per every one (1) acre of land.
- C. Building Size - The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means. All such fences shall maintain a setback of not less than five (5) feet from all property lines.

- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 807.
- G. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- H. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 807.
 - 3. Boarding of horses, and necessary buildings and structures.
 - 4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 - 5. Sale of horses other than the horses raised or boarded on the premises.
 - 6. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

807.4 Zoos, Menageries, and Wild and Exotic Animals

No individual other than a registered veterinarian in the course of his/her professional duties, or a licensed falconer who keeps and maintains only his/her 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 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 offensive odors or excessive noise.
- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of 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 the 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.

808 Archery Ranges -- Outdoor Commercial

This §808 is intended to provide minimum standards to regulate 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.

808.1 Setbacks

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 §808. This shall not apply to structures on the same parcel as the shooting range.

808.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting and stray arrows and prevent any projectile from leaving the site. The Township may require such additional safety features deemed necessary to meet the intent of this §808. Such features may include, but shall not be limited to, increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

808.3 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 §701.6 unless more restrictive standards are required by the Township as a condition of approval.

808.4 Hours of Operation

No arrow shall be discharged outdoors between the hours of dusk and dawn. However, the Township may establish more restrictive time limits as a condition of approval.

808.5 Fence

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

808.6 Posting

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

808.7 NFAA Guidelines, State and Federal Regulations

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

809 - 812 Reserved

813 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 §813 and shall be permitted only in those districts as specified in the Schedule of Uses. The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

813.1 Parcel Size

Bulk fuel storage facilities shall be located on a tract of land not less than five (5) acres in area.

813.2 Setbacks

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

809.3 Fence

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

813.4 Other Regulations

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

814 Reserved**815 Camps/Retreats**

Camps/retreats shall be designed in accord with the general, four-step and conservation open space design standards in §601, §602 and §603, respectively, of the Township Subdivision and Land Development Ordinance and shall comply with the following:

815.1 Parcel Size

The minimum parcel size shall be ten (10) acres.

815.2 Density

The maximum number camp/retreat lodging units, including any owner/operator and caretaker units, shall not exceed one (1) unit per one and one-half (1.5) acres of adjusted tract area calculated per §601.6D.

815.3 Occupancy

Camp/retreat lodging units shall be used only for transient occupancy (see definition in §303). However, one (1) dwelling unit may be provided for a permanent residence for the owner/operator of the facility and one (1) dwelling unit may be provided for a permanent residence for a caretaker.

815.4 Subdivision of Lots

All camp/retreat lodging units and any owner/operator or caretaker dwelling unit shall be located on the overall camp/retreat parcel. The subdivision or any lease constituting a subdivision of any lot or area containing any lodging or dwelling unit associated with the facility shall be subject to Chapter 153 (Subdivision and Land Development) and all other applicable regulations.

815.5 Camp/Retreat Lodging Units

- A. Each camp/retreat lodging unit shall form a single, habitable unit with facilities used for temporary living, sleeping, cooking and eating by one (1) family or group constructed in accord with PA UCC requirements.
- B. Camp/retreat lodging units may be located in single-unit detached or multi-unit structures.

815.5 Recreational Vehicles

The use of recreational vehicles as camp/retreat lodging units shall not be permitted.

815.6 Setbacks and Building Separation

- A. No lodging or dwelling unit or accessory building or structure shall be less than two hundred (200) feet from any public road and not less than one hundred (100) feet from an adjoining property line.
- B. The following standards shall apply:
 - 1. Building spacing:
 - a. between lodging and/or dwelling units: not less than thirty (30) feet
 - b. between accessory structures and lodging and/or dwelling units and other accessory structures: not less than twelve (12) feet
 - 2. Setback of all buildings and accessory structures from internal roads: not less than thirty-five (35) feet.

815.7 Facilities.

- A. Facilities for indoor recreation and learning and for outdoor activities such as hunting, fishing, hiking, bicycling, baseball, zip lines and swimming shall be permitted. Use of recreational facilities shall be limited to the users of the camp/retreat lodging units.
- B. Any use which is listed as a separate use by the Schedule of Uses or is proposed for use by other than the users of the camp/retreat lodging units shall require separate zoning approval.

815.8 Land Development Plan.

- A. A land development plan meeting the requirements of Chapter 153 (Subdivision and Land Development) shall be required.
- B. The plan shall show the area where all existing dwelling units and structures are located and the area where additional lodging and dwelling units are proposed.
- C. The number of lodging and dwelling units proposed for the identified area shall be specified, but need not be specifically located on the land development plan.
- D. The plan shall include all proposed access roads, stormwater facilities, sewage disposal and other improvements required to service the proposed units.
- E. The specific location of each unit shall be identified at the time of application for zoning and building permits.

815.6 Internal Roads

Roads serving the camp/retreat and all lodging and dwelling units shall be constructed to the requirements applicable to private access streets in Chapter 153 (Subdivision and Land Development) however paving shall not be required and the base course of PennDOT No. 2A Aggregate shall be increased to eight inches.

816 Reserved**817 Commercial 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, and other commercial antennae and associated facilities.

817.1 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.

817.2 Permits; 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 conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be a conditional use. 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 recorded 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 those Districts as specified in the Schedule of Uses and shall require conditional use approval in accord with this §817.

- 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 CCD shall be permitted on a property with an existing use subject to the following land development standards:
1. The CCD 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 filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

817.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure 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 shall provide information on the general location of other towers/sites planned for the region.
- B. Collocation; 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 five-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied. 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 and provide adequate height for five (5) service providers. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.
- D. 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 setbacks in this §817.3D shall apply.
1. Separate Parcel - If the parcel on which the CCD and support structure is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the CCD structure 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 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 distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure plus the normal setback for the district.
- 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; Guy Wires
1. A fence shall be required around the CCD support structure, guy wire anchors and other equipment, unless

the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet and a maximum of ten (10) feet in height.

2. All guy wires shall be marked or colored to be clearly visible and shall not be artificially illuminated unless required by the FAA or FCC.
- 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. Collocation; 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 collocated facilities. The Applicant shall provide a letter of intent committing the CCD owner and his or her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- 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 - 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.
- 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. Maintenance; Discontinued Use

1. The CCD, support structure and any accessory structure shall be maintained and kept in a state of repair so that the same do not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.
2. 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 hundred eighty (180) days cessation of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. A copy of the relevant portions of any signed lease, licence or other agreement or conveyance which requires the applicant to remove the facilities upon cessation of operation's at the site shall be submitted at the time of application. The Township may also require a financial guarantee from the applicant for the removal of the structure, such guarantee in an amount deemed adequate by the Township and in a form approved by the Township Solicitor.

O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.

P. Application - As part of the conditional use application the applicant shall also submit the following supplemental information:

1. A copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1).
2. Proof of compliance with applicable FCC, FAA, Commonwealth Bureau of Aviation and any applicable airport zoning regulation.
3. Proof that the proposed CCD does not interfere with public safety telecommunications as verified by an intermodulation study and other appropriate study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
4. A plot drawn to scale showing property boundaries, power locations, CCD height, guy wires and anchors, existing structures, elevation drawings and depicting typical design of proposed structures, parking, fencing, landscaping, and existing uses on adjacent property.
5. Name and address of the owners of the CCD and all equipment to be located at the site.
6. Copy of the valid FCC license for the proposed activity or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
7. A written agreement signed by the applicant and owner of the property to remove the CCD within one hundred eighty (180) days of cessation of use, which written agreement, including financial guaranties, shall be in a form acceptable to the Township.
8. Written certification from the applicant and its engineer that the proposed CCD could not be placed on an existing CCD or facility under the control of the applicant and function under applicable regulatory and

design requirements without unreasonable modification.

9. A letter of intent committing the CCD owner and the common carriers using the CCD and their respective heirs, personal representatives, successors, and assigns to allow the Township and any other governmental agency to utilize the CCD to facilitate emergency equipment upon reasonable terms and conditions and to allow use of the CCD in the event of an emergency.
10. Any and all permits and/or approvals required from any and all local state and federal authorities must be obtained by the applicant and copies of same provided to the Township.

818 Reserved

819 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 supersede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this 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.

819.1 Compliance

Concentrated animal feeding operations shall, in addition to all other applicable requirements, comply with this §819.

819.2 Definition

Any livestock operation which is defined as a concentrated animal feeding operation by Commonwealth of Pennsylvania regulations shall be considered a concentrated animal feeding operation for regulation by this Ordinance.

819.3 Standards

The following standards shall be applied to all CAFO's and no 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. Setbacks - CAFO buildings and corrals used for housing or confinement 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 principal building not located on the land with the CAFO.
- B. Nutrient Management - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- C. Stormwater Management - A stormwater management plan shall be prepared meeting the requirements of the applicable Subdivision and Land Development Ordinance.
- D. Conservation - A conservation plan shall be prepared meeting the requirements of the County Conservation District.

- E. Buffer - 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
- F. Solid and Liquid Wastes - 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
- G. Operation and Management - 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
- H. Waste Discharge - No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.
- I. Odor - 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. (See also §701.10.)
- J. Pesticides - The applicant shall document that the use of pesticides will meet state and federal requirements.
- K. Floodplain - No CAFO buildings shall be erected in the one hundred-year floodplain
- L. Other Requirements - See also §701.6 (Noise), §701.21 which requires proof of compliance with state and federal regulations, §703 (Environmental Impact Statement) and §708 (Transportation Impact Statement).

820 Reserved

821 Contractor Yards and Staging Areas for Equipment/Materials

The intent of this §821 is to provide standards for access to public roads and setbacks for contractor yards and storage yards for forest products and minerals.

821.1 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.

821.2 Setbacks

- A. Residential and Nonresidential Buildings - Contractor yards and staging areas for equipment/materials shall not be less than one hundred (100) 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 shall not be less than fifty (50) feet from any public road right-of-way.
- D. Slope - Contractor yards and staging areas for equipment/materials shall be located on slopes of less than eight (8) percent. Low spots and poorly drained places shall be avoided.

822 Reserved

823 Correctional Facilities

The requirements of this §823 shall apply to correctional facilities.

823.1 Site Design Standards

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

- A. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 - 1. residence
 - 2. group care facility
 - 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - 4. public or semi-public building
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. House of worship or related use, or other similar religious facility
 - 8. public or private school
- B. A perimeter security fence, of a height and type determined by the Township, may be required.

823.2 Security

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

823.3 Accessory Uses and Ancillary Activities

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

824 Reserved**825 Distribution Centers/Truck Terminals**

The requirements in this §825 shall apply to distribution centers/truck terminals.

825.1 Lot Size and Width

A minimum size lot of three (3) acres shall be required with a minimum width of two hundred fifty (250) feet.

825.2 Setbacks

All activities including storage or parking of vehicles and materials shall be set back from public roads and all lot lines a minimum of fifty (50) feet.

825.3 Access

The site shall have direct access to a public arterial or collector road.

826 Reserved**827 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, the following shall apply.

827.1 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 §827.2.

827.2 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.

827.3 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.

827.4 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.

827.5 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §827.5, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance.
- 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.

827.6 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.

828 Reserved

829 Flea Markets, Outdoor

Flea markets, outdoor shall, in addition to all other applicable standards shall be subject to the following standards.

829.1 Parcel Size

A minimum parcel of two (2) acres shall be required.

829.2 Setbacks

The minimum setbacks for all buildings, any display of goods not fully enclosed in a building and all parking areas shall be seventy-five (75) feet from property lines and road rights-of-way

829.3 Parking

Parking shall comply with §504 and sales or display areas or other activities not required by the parking standards shall not be permitted in parking areas.

830 Reserved

831 Gaming Establishments

831.1 Separation

A gaming establishment shall not be permitted within one thousand (1,000) feet of any other separately deeded lot

containing a gaming establishment. The distance between any two (2) such facilities shall be measured in a straight line, without regard to intervening structures, from the closest points on each of the exterior lot lines of the separately deeded lots upon which each facility is located.

831.2 Setbacks

No gaming establishment shall be located on the same separately deeded lot or within one thousand (1,000) feet of any separately deeded lot which contains any one (1) or more of the following uses. The distance between any such facility and any listed use shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior lot line of the separately deeded lot on which the facility is located to the closest point of the property line of the listed use.

- A. Camp (for minors' activity),
- B. Child day care facility,
- C. House of worship or related use, or other similar religious facility,
- D. Community center,
- E. Museum,
- F. Parks and playgrounds,
- G. School or any kind of educational institution that provides instructions to minors,
- H. Other lands where minors congregate.
- I. Any residential use.

831.3 One Facility per Building

No more than one (1) gaming establishment may be located within one (1) building or be located on the same separately deeded lot.

831.4 Nuisances

The applicant shall furnish evidence satisfactory to the Township as to how the use will be controlled so as to not constitute a nuisance, particularly concerning noise, loitering outside the building, hours of operation, light, and/or litter.

831.5 Litter

A working plan for the cleanup of litter shall be furnished and implemented by the applicant, subject to the approval by the Township.

832 - 834 Reserved

835 Industrial Wastewater Treatment Facilities and Water Withdrawal Facilities

Industrial wastewater treatment facilities and water withdrawal facilities (referred to as *facilities*) shall comply with this §835.

835.1 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 §835.2.

- 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.

835.2 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 Chapter 153 (Subdivision and Land Development)
- 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.

835.3 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.

835.4 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.

835.6 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §835.6, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance.
- 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.

835.7 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.

836 Reserved

837 Junk Yards

Junk yards shall, in addition to other Township ordinances and all other applicable regulations, be subject to the following conditions:

837.1 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.

837.3 Operating Standards

All existing and proposed junk yards licensed under the provisions of this Ordinance 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 ten (10) feet in height. All gates shall be closed and locked when closed for business. 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 Township, 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 Township. 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 fifty (50) feet from any public road right-of-way, fifty (50) feet to any property line and two hundred (200) feet from any R or VC District.
- 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 Township 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 Township 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 Township, 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 ten (10) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, 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.

838 Reserved

839 Large-Scale Retail/Commercial Development

The standards in this section shall apply to new *large-scale retail/commercial development* or any combination of retail establishments in a single building (or multiple buildings developed as a shopping center or plaza) occupying more than twenty thousand (20,000) gross square feet of lot area or any addition to an such an existing establishment.

- A. Any facades greater than one hundred (100) feet in length which abuts a public street shall incorporate two-foot recesses and two-foot projections along at least twenty (20) percent of the length of the facade. Windows,

awnings, and arcades shall total at least sixty (60) percent of the length of the public entrance facade. (For the purposes of this section arcade shall mean *a continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.*)

- B. Smaller retail stores that are part of a larger principal building shall have display windows and separate outside entrances.
- C. Parapets shall be provided to conceal flat roofs and rooftop equipment. Public entrance facades shall incorporate at least two (2) of the following features: overhanging eaves, sloped roofs, or three (3) or more roof slope planes.
- D. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- E. Predominate exterior building materials shall be of brick, wood, sandstone, other native stone, and tinted/textured concrete masonry. Smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels shall be prohibited as the predominant exterior building material.
- F. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized and out of view from adjacent properties and public streets
- G. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping.
- H. Security cameras shall be provided and shall be monitored for all exterior areas associated with any large retail establishment.
- I. The parking of trailers or use of containers for storage shall only be permitted at a location which is approved as part of the zoning application, and additional setbacks, screening and/or buffers may be required.

840 Reserved

841 Manufactured Housing, Recreational Vehicle, and Travel Trailer Sales Operations

841.1 Procedures

Manufactured housing, recreational vehicle, and travel trailer sales operations, hereinafter referred to as operations, shall be considered conditional uses and Land Development and, in addition to the applicable standards, shall comply with the requirements of the Township Subdivision and Land Development Ordinance.

841.2 Standards

Manufactured homes, recreational vehicles or travel trailers on display:

- A. Shall be permitted only on the same lot with a permitted principal commercial use.
- B. Shall not be placed upon permanent foundations.
- C. Shall comply with the setback and height requirements for principal structures and shall, in the case of

manufactured homes, be included in the maximum lot coverage calculations.

- D. Shall not be served by any water supply or sewage disposal facilities.
- E. Shall, in the case of manufactured homes, not be located closer than twenty (20) feet to any other manufactured home or a principal structure; and, in the case of recreational vehicles and travel trailers shall not be located closer than ten (10) feet to any other unit or principal structure.

841 Reserved

842 Mineral Extraction

In addition to other applicable standards, this §842 shall apply to mineral extraction and oil and gas well operations.

842.1 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.

842.2 Intent and Exemption

- 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 conditional uses, 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 §842 and the other applicable requirements. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

842.3 Use Classification; Mineral Extraction, Minor; Mineral Processing a Separate Use

- A. Use Classification - Mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. Mineral Extraction, Minor - 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 *mineral extraction, minor*.

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 *mineral extraction, minor* uses shall not be permitted.
 4. Plan Exemption - Mineral extraction, minor uses shall be exempt from the reporting requirements of §842.7; however, said operations shall comply with the other standards of this §842.
 5. Oil and Gas Wells - No oil or gas well shall be considered mineral extraction, minor.
- C. Mineral Processing (See also §842.)
1. Separate and Distinct Use; Conditional Use 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 as *manufacturing* 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 mineral extraction operation.

842.4 Standards

In addition to the performance standards in §701 and all other applicable standards which are not preempted by state statute, mineral extraction operations shall comply with the following:

- A. Oil and Gas Wells in Certain Districts; Number of Wells
1. Certain Districts - A minimum parcel size of five (5) acres shall be required for oil and gas wells.
 2. Number of Wells - Multiple wells may be permitted on one (1) drilling pad.
- B. Setback - A setback of one hundred (100) feet shall be maintained between any disturbed area associated with any mineral extraction, mineral extraction, minor or oil and gas well operation and adjoining properties and public road rights-of-way.
- C. Undisturbed Buffer - The required 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.
- D. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
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 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 to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- E. 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.
- F. Access Road
1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten (10) percent.
 2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least two hundred (200) feet from a point on the access road to its intersection with all public and private roads.
- G. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of one hundred (100) feet of Number 3 Penn Dot approved stone having a depth of not less than six (6) inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.
- H. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.
- I. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.
- J. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

842.5 Local, State and Federal Regulations

Mineral extraction, mineral extraction, minor 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.

842.6 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.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

842.7 Reporting Requirements

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

842.8 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 §842.

842.9 Additional Requirements for Oil and Gas Wells

- A. Plot Plan - In addition to the information required by §1202.3, the plot plan shall show:
1. The proposed location of the well or wells.
 2. The proposed means of access to the well or wells.
 3. The proposed gathering or transmission lines.
 4. The distance from any existing structures on the subject property or the immediately adjacent properties.
 5. The location of local water supply wells or systems within two-thousand five hundred (2,500) feet of the well pad.
 6. Contours, existing and proposed, drawn at two-foot vertical intervals.
 7. The location of site, streams, wetlands, and flood plains within five hundred (500) feet of the well location and other uses regulated by the PA Oil and Gas Act.
- B. Information - The applicant shall provide:
1. Logs or other documentation showing the estimated deepest fresh groundwater.
 2. The estimated depths of the proposed wells and the expected surface pressure.
 3. A statement whether a pre-alteration or pre-drilling survey is to be conducted.
 4. A proposed schedule indicating the following anticipated dates:

- a. Beginning and end of:
 - 1) site preparation.
 - 2) drilling activity.
 - 3) completion (perforating) work.
 - 4) stimulation (fracturing) work.
 - 5) production work.
 - b. Plugging date.
- C. Emergency Response Plan - The applicant shall submit an emergency response plan to the Township, the local fire companies and the Wyoming County Emergency Management Agency, providing, at a minimum:
1. The recommended first response by fire companies and other first responders to address:
 - a. Well leakage.
 - b. Spill containment.
 - c. Vandalism creating unknown conditions.
 - d. Defective casing or cementing.
 - f. Potential communication between the well and the groundwater supply.
 2. A copy of the control and disposal plan for any expected fluids or solids encountered during the drilling and production stages indicating the following:
 - a. The size and location of a storage pit for any material emanating from the well during drilling and site restoration;
 - b. The size and location of any tankage designed for the site and dikes for spill containment of said tank during well production.
 - c. Methods of oil separation and removal of all solids or liquid byproducts, including oil, from the site during production, if applicable
 3. Emergency contact information.
 4. A proposed response plan containing a National Incident Management System (NIMS) compliant emergency management protocol.
 5. An emergency traffic control plan.
- D. Setback - Any disturbed area associated with an oil or gas well shall be located at least three hundred (300) feet from any dwelling or other inhabited structure.
- E. Site Maintenance and Fencing - The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of fifteen (15) feet in all directions and shall be enclosed by a chain link fence not less than six (6) feet in height topped with a double outward strand of barbed wire.
- F. Transmission Lines - The owner and/or operator of all transmission lines shall provide the Zoning Inspector with

a plat drawn to scale of all transmission line within one thousand (1,000) feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.

843 Mineral Processing and Mineral Depots

In addition to the performance standards in §701 and all other applicable standards, the requirements of this §843 shall apply to mineral processing and mineral depots.

843.1 Standards

A. Setbacks - The following setbacks shall be maintained for any building, processing operation, unloading/loading area, or processing equipment or mineral storage area:

1. Property Lines, Road rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
2. Residential Structures - 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 Wyoming County Subdivision and Land Development Ordinance.
4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

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 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.

D. Access Road

1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten (10) percent.

2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least two hundred (200) feet from a point on the access road to its intersection with all public and private roads.
- E. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of one hundred (100) feet of Number 3 Penn Dot approved stone having a depth of not less than six (6) inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.
- F. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.
- G. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.
- H. Conditions of Approval - If the Township determines that the standards in §701 are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

843.2 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.

843.3 Informational Requirements

The applicant shall provide the information required by this §843.3 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. The Applicant shall provide the following:

- A. Application Information - The information required by this §843, §1202.3C, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

843.4 Reporting Requirements

For any 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.

844 - 846 Reserved

847 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 the performance standards in

§701 and all other applicable standards, the requirements of this §847 shall apply.

847.1 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 - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 - (2) Residential Structures - 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 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 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.

847.2 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.

847.3 Informational Requirements

The applicant shall provide the information required by this §847.3 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. The Applicant shall provide the following:

- A. Application Information - The information required by this §847, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (DEP) Rules and Regulations.

847.4 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.

847.5 Hazard Analysis and Emergency Response Plan

The Applicant shall submit a comprehensive hazard analysis report prepared and an emergency response plan by a qualified professional using generally accepted hazard analysis software as determined by the Township. The report shall include, but not be limited to, the following:

- A. The applicable state and federal regulations and how the proposed pipeline facility will comply
- B. A description of the pipeline facility and community and environmental characteristics of the proposed corridor and areas within one thousand (1,000) feet of the centerline of the proposed pipeline facility
- C. Unusually Sensitive Areas as identified by the National Pipeline Mapping System (NPMS) Pipeline Information Management and Mapping Application (PIMMA)
- D. The frequency of community and environmental hazards associated with the type of pipeline facility proposed.
- E. The probable consequences of an accidental release for both leaks and ruptures for community and environmental effects

- F. The community and environmental risk of an accidental spill
- G. Measures for risk mitigation and the likelihood and consequences of community and environmental effects.
- H. Emergency contact information
- I. A proposed response plan containing a National Incident Management System (NIMS) compliant emergency management protocol
- J. An emergency traffic control plan.

848 Power Plants

Power plants shall comply with this §848.

848.1 Purposes

- A. To accommodate the need for power plants 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 through engineering and proper siting of such structures.

848.2 Standards

- A. Building; Noise - All turbines, 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 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 as part of the electricity generation process:
 - a. Setbacks - The following setbacks shall be maintained:
 - (1) Property Lines, Road Rights-of-Way - Two hundred (200) feet to adjoining properties and public road rights-of-way.
 - (2) Existing Dwellingss - Seven hundred fifty (750) feet to any existing dwelling.
 - 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 Chapter 153 (Subdivision and Land Development).
- (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 - Pipelines and valves, metering stations, pig launchers/receivers, and other components which are located on the site shall not be less than twenty-five (25) feet from any adjoining property line.

- C. Fencing - A fence may be required around the perimeter of the power plant site unless the design of the structures adequately provides for safety.
- D. Access; Required Parking - Access to the power plant shall be provided by means of a public street or easement to a public street adequate to serve the number and type of vehicles anticipated. The access and parking shall be improved with a dust-free, all weather surface. The number of required parking spaces shall equal the number of people on the largest shift.
- E. 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.
- F. 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 power plant developer.
- G. Historic Structures - A power plant shall not be located within five-hundred (500) feet of any structure listed on any public historic register.

848.3 Site Plan

A full land development plan shall be required for all power plant sites, showing all power plant facilities, fencing, buffering, access, and all other items required for conditional uses by this Ordinance and by Chapter 153 (Subdivision and Land Development).

848.4 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.

848.5 Insurance

The applicant shall provide 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 power plant.

848.6 Informational Requirements

The applicant shall provide the information required by this §848.6 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. The Applicant shall provide the following:

- A. Application Information - The information required by this §848, 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, an Environmental Impact Statement, and a Traffic Impact Study.
- C. State and Federal Application Information - A copy of all applications and information required by the applicable state and federal agencies.
- D. Emergency Response - The Applicant shall submit the name, address and emergency telephone number for the operator of the power plant; and 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 and the County Emergency Management Agency.

848.7 Reporting Requirements

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

849 Reserved

850 Race Tracks

In addition to all other applicable standards, the following additional standards shall apply to race tracks:

850.1 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 than one (1) mile from any R District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.

850.2 Animal Race Tracks

In addition to the other standards in this §850, the following additional standards shall apply to animal race tracks:

- A. 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.
- B. 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.

- C. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Supervisors demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.

850.3 Buildings

All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.

850.4 Time Limitations

No motor vehicle race shall be conducted between the hours of 10:00 P.M. and 9:00 A.M. However, the Township may establish more restrictive time limits as a condition of approval.

850.5 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.

850.6 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, but in no case shall such outdoor storage exceed five hundred (500) square feet in area.

850.7 Storage

No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.

850.8 Fuel Documentation

Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.

850.9 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.

850.10 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:

- A. Design standards of all safety fencing/barriers.
- B. Procedures for fuel storage, handling and dispensing.
- C. Emergency services, including fire and ambulance, which will be available during events.
- D. Disaster/emergency response procedures.
- E. Crowd management.

850.11 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.

851 - 853 Reserved

854 Self-Storage Facilities

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

854.1 Bulk Requirements

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

854.2 Setback Areas

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

854.3 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.

854.3 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.

854.4 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.

854.5 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.

854.6 Fire - Water Damage

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

854.7 Materials Stored

All self-storage facility proposals shall include detailed information on the nature and quantity of materials to be stored on the premises. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to insure that the requirements of this §854 are or will be satisfied.

855 - 856 Reserved**857 Shooting Ranges, Outdoor Commercial**

This §857 is intended to provide minimum standards to regulate commercial outdoor shooting 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.

857.1 Setbacks

All outdoor shooting ranges shall be situated not less than three hundred (300) feet from any property line and not less than one thousand five hundred (1,500) feet from any principal residential or principal nonresidential building existing on the effective date of this §857. This shall not apply to structures on the same parcel as the shooting

range.

857.2 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 §857. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

857.3 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 §701.6 unless more restrictive standards are required by the Township as a condition of approval.

857.4 Hours of Operation

No firearm shall be discharged outdoors between sunset and 8:00 a.m. However, the Township may establish more restrictive time limits as a condition of approval.

857.5 Fence

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

857.6 Posting

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

857.8 NRA Guidelines; State and Federal

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

858 Shopping Centers, Malls, and Multiple Occupant Commercial Buildings

It is the intent of this §858 to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial buildings, (referred to as *multiple occupant commercial buildings*) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Township. This shall be accomplished by:

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

- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;

858.1 Conditional Use and Land Development

Any proposed multiple occupant commercial building shall be considered a conditional use, and in addition to the other applicable requirements, shall be subject to the requirements of this §858.

Said proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and the Township Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Township may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Township Ordinances.

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

858.2 Ownership

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

859 Reserved

860 Slaughterhouses

Slaughterhouses shall, in addition to all other applicable standards, shall be subject to the following standards.

860.1 Parcel Size

A minimum parcel of two (2) acres shall be required.

860.2 Setbacks

- A. Buildings - The minimum setbacks for all buildings shall be 100 feet from property lines and road rights-of-way.
- B. Animals - Structures which are not fully enclosed, corrals and other areas for the outdoor confinement of animals shall comply with the following setbacks unless state or federal regulations require a greater setback:
1. Up to 499 animals: 100 feet.
 2. 500 to 999 animals: 200 feet.
 3. 1,000 or more animals: 300 feet.

860.3 Animal Confinement

All animals shall be confined to the slaughterhouse property at all time by fences or other structures

860.4 Wastes

Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.

860.5 Operating Standards

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.

860.6 Odor (See also §701.10.)

The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain 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.

860.7 Other Requirements

See also §701.3 (Operations and Storage) which requires all operations to be in a building, §701.6 (Noise), §701.21 which requires proof of compliance with state and federal regulations, §703 (Environmental Impact Statement) and §708 (Transportation Impact Study).

861 Reserved

862 Solar Power Generation, Commercial

862.1 Purposes

The purpose of this §862 is to:

- A. Location and Number - Accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. Critical Development Areas - Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.

- C. Grid Infrastructure Costs - Minimize utility grid infrastructure development costs by requiring solar facilities to be near substations with the capacity to accommodate the generated electricity.
- D. Traffic - Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

862.2 Permits; Use Regulations

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

862.3 Standards and Design

- A. Location; Setbacks; Lot Coverage
 - 1. The parcel shall not be more than three (3) miles from a utility substation with the capacity to service the proposed facility.
 - 2. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet from property lines.
 - 3. The maximum lot coverage shall be seventy-five (75) percent and the area of the solar collectors shall be included in the calculation of lot coverage.
- B. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
- C. Fencing - A chainlink fence not less than six (6) feet in height shall be installed around the perimeter of the facilities to restrict access.
- D. Landscaping - Landscaping may be required to screen as much of the solar power facility ground features as

possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

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

- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- R. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

862.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

862.5 Decommissioning

- A. Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
- B. Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations, and any other associated facilities.
- C. Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Professional Engineer - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security Bond - The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the 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 solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- H. Township Intervention - If neither the solar power facility owner or operator, nor the landowner complete

decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

- I. Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

863 Reserved

864 Solid Waste

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §864.

864.1 Traffic Study

The applicant shall provide a traffic study in accord with §708.

864.2 Setbacks

No part of any facility created after the effective date shall be located closer than three hundred (300) feet to an existing public right-of-way, property line or stream. The setback 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 setbacks in accord with §701. Additional buffers and setbacks may be required in accord with this Ordinance.

864.3 Fencing

All facilities shall be completely enclosed by a chain link fence not less than eight (8) feet in height. 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.

864.4 Reserved

864.5 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 with negative pressure, and over an impervious surface which drains into a holding tank that is then adequately treated.

864.6 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.

864.7 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.

864.8 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, 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.

864.9 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.

864.10 Hours of Operation

Under the authority granted to the Townships 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.

864.11 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 Township 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 Township 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.

864.12 Attendant and Inspections

An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a Conditional Use 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.

864.13 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 §864 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.

865 Reserved

866 Staging Areas for Equipment/Materials - See §821.

867 Reserved

868 Storage Yards for Forest Products and Minerals

The intent of this §868 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 III.)

868.1 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.

868.2 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 slopes less than eight (8) percent. Low spots and poorly drained places shall be avoided.

869 Reserved

870 Swimming Pool, Commercial

Commercial swimming pools shall be permitted only in those districts as specified in the Schedule of Uses and, in addition to all other applicable requirements, shall comply with the standards in this §870.

870.1 Setback

The water surface shall be not less than fifty (50) feet from any lot line.

870.2 Parcel Size

The minimum lot area shall be two (2) acres.

870.3 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.

870.4 Access

Access to all pools shall be restricted when the pool is not in use.

870.5 Hours of Operation

The hours of operation of outdoor commercial pools shall be limited to the hours between 9:00 a.m. and 9:00 p.m.

871 - 874 Reserved**875 Vehicle Related Uses**

Vehicle related uses shall be permitted only in those districts as specified in the Schedule of Uses, and in addition to all other applicable standards, shall comply with the standards in this §875.

875.1 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 R District shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

875.2 Vehicle or Equipment Repair Operations

All vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:

- A. All service and repair activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- B. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than four (4) vehicles per interior service stall, it shall comply with the junk regulation 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.
- C. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- D. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in thirty (30) days of normal operation.
- E. Gasoline pumps and other service appliances may be located in the required front setback, but shall not be situated closer to the road or street right-of-way line than thirty (30) feet or the PennDOT requirement, whichever is greater. Any above ground storage tanks shall not be placed in the front setback area.
- F. No vehicles shall be stored in any required setback areas.
- G. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of two (2) acres, and all areas for fueling and servicing shall be not less than one hundred (100) feet from any R District .
- H. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

875.3 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 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 §875.2.

- 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 junk yard 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.

876 Reserved

877 Water Withdrawal Facilities

See §835.

878 Reserved

879 Wind Energy Facilities

The provisions of this §879 shall apply to wind energy facilities.

879.1 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.

879.2 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.

879.3 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 conditional uses by this Ordinance.

879.4 Public Inquiries and Complaints

The 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.

879.5 Wind Test Towers

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

ARTICLE IX NONCONFORMITIES

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of this 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 to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

901.2 Applicability

The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by §903 or §904 of this Article IX. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

901.3 Registration

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

902 Definitions

902.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where

such a lot is situated, such lot having been created and recorded in the office of the 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 reinstitution of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

903 Nonconformities Under Development

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding

permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Conditional Uses

All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance and the review factors in §912 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Board of Supervisors in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in an R District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

906.2 Conforming Changes and Conversions

- A. Change - A change in a nonconforming use to a conforming use shall not be considered a conditional use unless the proposed use is classified as a conditional use 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 conditional use. 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 Conditional Uses

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XI of this Ordinance, and the review factors in §912 of this Article.

907.2 Extension onto Other Properties of Record in the Same Ownership; New Structures

Extensions of a non-conforming use shall be on land contiguous to the existing use and shall be limited to the same parcel of property on which the non-conforming use is situated as said parcel existed on record at the time of the adoption of this Ordinance. For any non-conforming uses not involving a non-conforming structure, no new structures shall be permitted as part of an extension.

907.3 Extension Limitation

In R Districts, 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. 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 not permitted as a new use in the Township or is a use judged by the Board of Supervisors 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.

908 Restoration/Reconstruction

908.1 Damage

A. 50 Percent or Less - If any nonconforming use or structure is damaged to an extent which is fifty (50) percent or less of the cost to replace the entire use or structure in accord with the most current construction standards then it may be restored or reconstructed to its preexisting condition of nonconformity provided:

- A. The application for a zoning permit is submitted within eighteen (18) months of the date of the casualty.
- B. The nonconformity is not increased and no new nonconformity is created.
- C. It was not voluntarily demolished. (See §908.5.)

B. Greater than 50 Percent - If any nonconforming use or structure is damaged to an extent which is more than fifty (50) percent of the cost to replace the entire use or structure in accord with the most current construction standards then it may be restored or reconstructed provided:

- A. The application for a zoning permit is submitted within eighteen (18) months of the date of the casualty.
- B. The restoration of any nonconforming structure complies with all standards applicable to a new structure.
- C. It was not voluntarily demolished. (See §908.5.)

908.2 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a conditional use 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 for which a reconstruction permit application has not been submitted 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 Extension

The Zoning Officer may, for good cause shown by the owner, grant a one-time extension of not more than one (1) year for the re-establishment of the non-conforming use. Said extension shall only be considered by upon written application for same submitted by the property owner.

908.5 Demolition

If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the

cost to replace the entire structure or use in accord with the most current construction standards, the reconstruction shall comply with the most current requirements of this Ordinance.

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 Board of Supervisors may, as a conditional use and if deemed appropriate by the Board in accord with the Comprehensive Plan and the standards in §1208 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 conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §906 and §907 of this Ordinance, respectively.

910.3 Nonconforming Setbacks

A structure which is non-conforming as to a setback requirement may be extended along the non-conforming setback line a distance not to exceed fifty (50) percent of the length of the nonconforming part of the structure as it existed at the effective date of this Ordinance. However, the height of any such residential or commercial extension shall not exceed the lesser of the existing height of the non-conforming structure or the applicable district maximum height.

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 Board of Supervisors.

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 - See Schedule of District Regulations.
- B. Other Standards - All other applicable standards in this Ordinance are satisfied.

- C. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- D. 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 §1208, Article VII, and other applicable requirements, the Township shall consider any nonconformity conditional use 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.

913 Survey

913.1 Required in All Cases

In the case of any proposed reconstruction or any proposed alteration or expansion of a nonconforming structure, the Applicant shall provide a survey prepared by a Professional Land Surveyor showing the position of the existing nonconforming structure with the entire proposed structure superimposed over the position of the existing nonconforming structure in addition to all other information required by this Ordinance.

913.2 Required by Township

A survey prepared by a Professional Land Surveyor may also be required by the Township in any case as necessary to determine compliance.

913.3 Survey Information

In addition to the information required in §913.1, the survey shall show all details required to determine compliance, including, but not limited to, existing and proposed improvements, existing and proposed building height, existing and proposed lot coverage, minimum required setback lines, nonconforming setback lines, nonconforming setback areas, and existing and proposed nonconforming footprint areas.

ARTICLE X
OWNERSHIP AND MAINTENANCE OF
CONSERVATION OPEN SPACE, OPEN LAND, RECREATION LAND, AND COMMON FACILITIES

Any development which involves the ownership and maintenance of open space land or common improvements or facilities shall provide for the ownership and maintenance of such land, improvements or facilities in accord with the Wyoming County Subdivision and Land Development Ordinance.

**ARTICLE XI
SIGNS****1101 General****1101.1 Purpose**

The Purpose of this Article is to establish standards for the regulation of signs in order to safeguard the public interest and to:

- A. preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
- B. establish reasonable time, place and manner for the exercise of free speech, without regulating content;
- C. protect property values and ensure compatibility with the character of neighboring uses;
- D. protect the general public from damage and injury which may be caused by the faulty construction of signs;
- E. protect pedestrians and motorists from damage or injury caused by, or partially attributable to the distractions and obstructions caused by improperly situated signs;
- F. promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
- G. assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
- H. enable the fair and consistent enforcement of the sign restrictions throughout the Township.

1101.2 Applicability and Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Article. The effect of this Article as more specifically set forth herein is to:

- A. establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Article;
- B. allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Article, but without a requirement for permits;
- C. provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
- D. prohibit all signs not expressly permitted by this Article.

1101.3 Requirement of Conformity

No sign, for which a permit is issued after the effective date of this Article, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Article are declared to be nuisances, and as such may be abated as provided by law. (See §1111 for nonconforming signs.)

1101.4 Recommended Types of Signs

It is recommended that signs be:

- A. Wood or simulated wood relief. (See §1104.11.)
- B. Designed as an integral architectural element of the building and component of the site.
- C. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

1102 Definitions and Interpretation

Words and phrases used in this Article XI shall have the meanings set forth in this §1102. Words and phrases not defined in this §1102 but defined in Article III shall be given the meanings set forth in that Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article. The diagrams are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

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

Abandoned Sign: See §1112.1.

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



A-Frame / Sandwich

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

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

Area of Sign: See §1104.3B.

Attraction Board: See *changeable panel sign*.

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

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

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

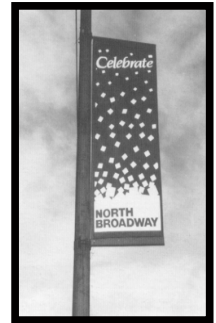


Awning Sign

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



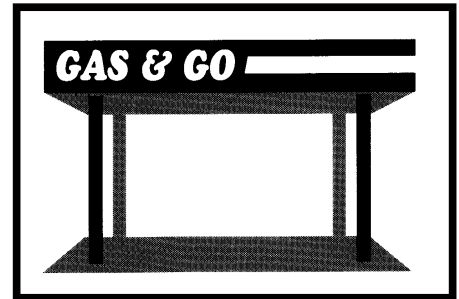
Civic Event Banner



Banner Sign

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

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



Canopy Sign on Freestanding Canopy

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

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

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



Changeable Panel Sign

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

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



Development Sign

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

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

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

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

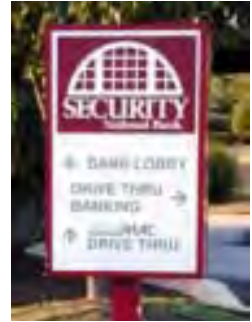
Easel Sign: A self-supporting, movable sign consisting of one (1) face with supporting legs or a supporting frame, or a sign displayed on an easel.

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.

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

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

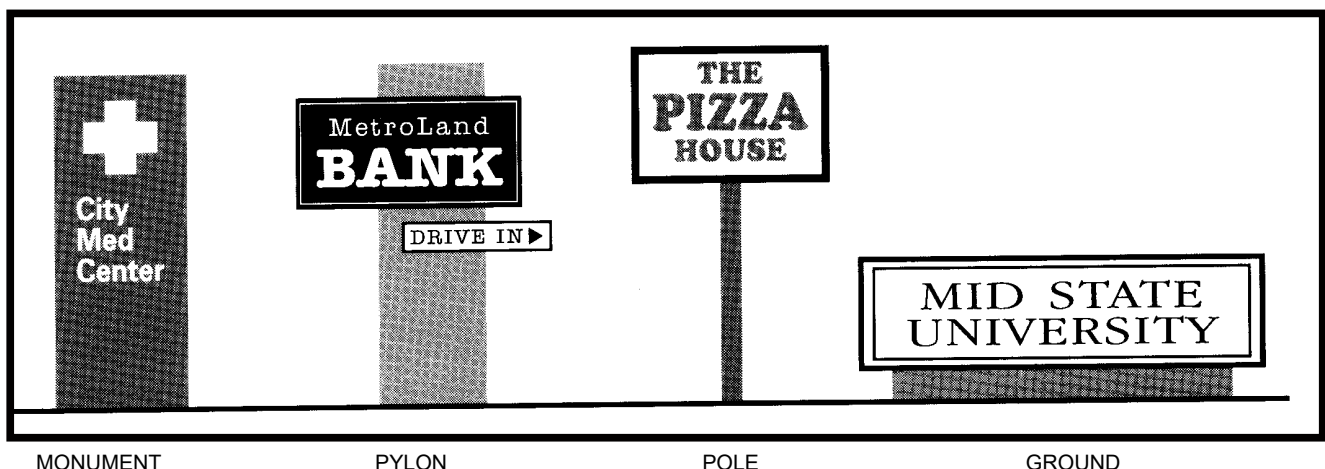
Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.



Directional Sign



Directory Sign



MONUMENT
Common Freestanding Sign Types

PYLON

POLE

GROUND

Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building. (See next page for illustrations.)

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or

federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: See §1104.3C.

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirements of this Article.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Incidental or Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental or instructional.

Internal Illumination: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

LED: Light emitting diode.

Logo: A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

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

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or



Internal and External Illumination



Incidental Sign or Instructional Sign

damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.



Marquee Sign

Multiple Occupant Commercial Building: A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

Nameplate: A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

NIT: A unit of measure of luminance. See *luminance*.

Nonconforming Sign: Any sign which is not allowed under this Article, but which, when first constructed before this Article was in effect and for which a sign permit was issued, was legally allowed.

Noncommercial Free Speech Sign: A sign with no commercial content which expresses personal ideas and values, advocates a position on an issue, or seeks converts and supporters and which does not meet the definition of a *political sign*.

Owner: A person recorded as such on official records. For the purpose of this Article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

Panel: A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

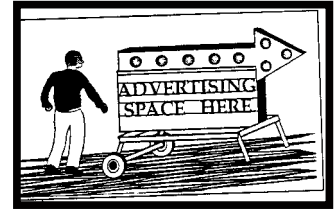
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this Article.

Plate Line: The point at which any part of the main roof structure first touches or bears upon an external wall.

Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

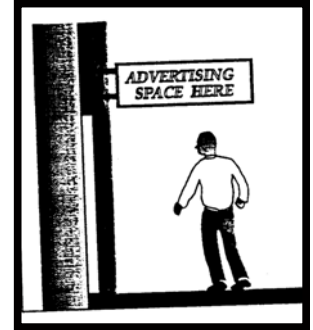
Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

Projecting Sign: Any sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.



Projecting Sign

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

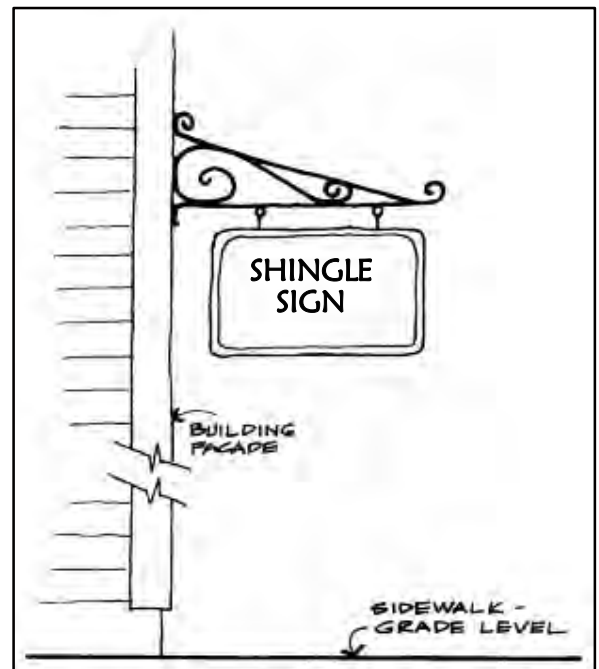
Right-of-Way: No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

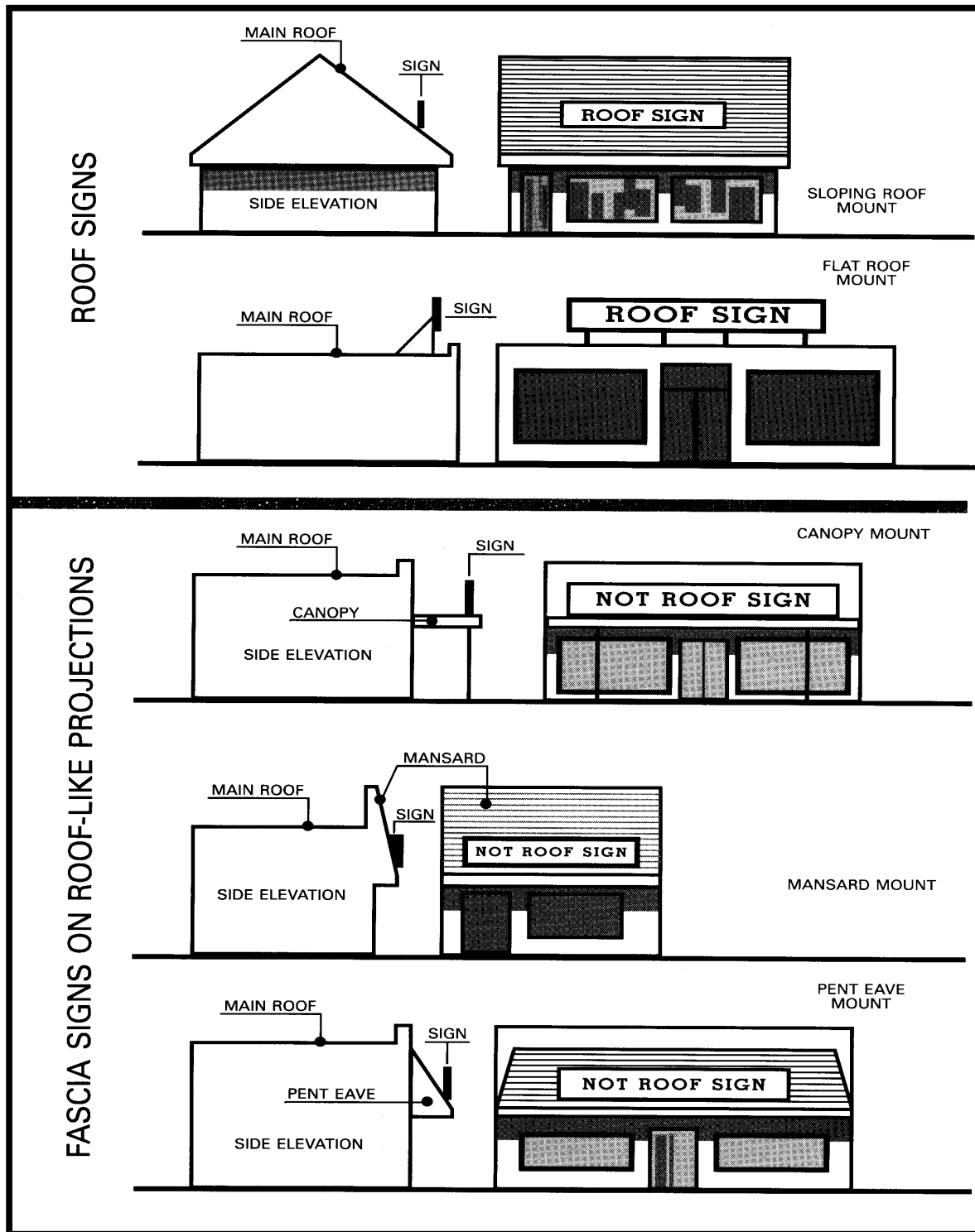
Roof Line: The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign: Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs.

Shingle Sign: A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.

Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Wyoming County, the Township, or official historic plaques of any governmental jurisdiction or agency.



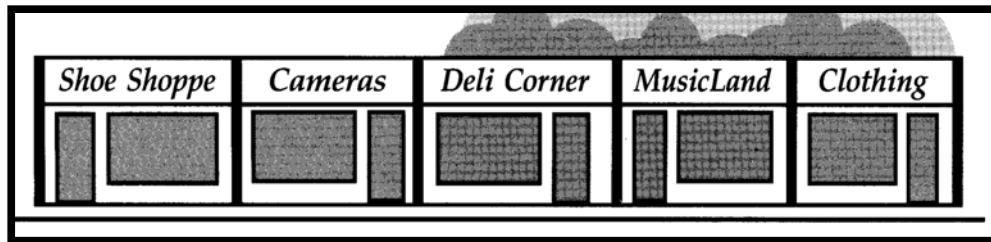


Comparison – Roof and Fascia Signs

Snipe Sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects, the advertising matter appearing on which is not applicable to the present use of the premises upon which such sign is located.

Special Event: A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.



Wall Signs

Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



Sign Comparison

1103 Procedures

The procedures included in this §1103 shall apply to all signs requiring permits.

1103.1 Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Article. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Article.

- A. Exempt signs as specified in §1104.2.
- B. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

1103.2 Permit Application

Applications for sign permits shall be submitted to the Zoning Officer in accord with §1202 and shall, at a minimum, contain or have attached thereto the information listed in this §1103.

- A. Name, address, and telephone number of the applicant.
- B. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- C. Name of person, firm, corporation, or association erecting the sign.
- D. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- E. A scale drawing of such sign indicating the dimensions, the materials to be used, the type and intensity of any illumination, the timing of any electronic message, and the method of construction and attachment.
- F. An elevation of such sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
- G. A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
- H. Calculation of the total sign square footage permitted.
- I. Copies of any other permits required and issued for said sign, including PennDOT and the Uniform Construction Code.
- J. Additional information as may be required by the Zoning Officer.

1103.3 Issuance Of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this Article and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

1103.4 Permit Fees

- A. In accord with the Township fee schedule, the applicant shall tender a fee at the time of making application for a sign permit. Permit fees are not refundable.
- B. The owner of a legal nonconforming sign, which has been removed or brought into conformance with the terms of this Article shall not be required to pay a fee in order to obtain a permit for the conforming sign.

1104 General Requirements

1104.1 Prohibited Signs

All signs not expressly permitted or exempted under this Article from regulation are prohibited. Such prohibited signs include, but are not limited to the following:

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under §1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §1105.2.
- C. Large Balloons - Balloons of greater than twenty-five (25) cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.
- D. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §1110), or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Article.
- E. Mirrors - Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
- F. Portable and Wheeled Signs - Portable and wheeled signs.
- G. Projecting Signs - Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto, unless the sign is a shingle sign in compliance with §1108.7.
- H. Signs on Parked Vehicles - Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity. (See also §1104.2N.)
- I. Signs on Utility Poles or Trees - Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation except for no trespassing signs and other noncommercial signs on the property of the person posting the sign.
- J. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.

- K. Emissions - Signs which emit any sound, odor or visible matter such as smoke.
- L. Misinformation - Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance.
- M. Obscene or Pornographic - Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
- N. Snipe Signs - Snipe signs.
- O. Noise - Signs which emit sound as part of the advertising or which emit objectionable or excessive noise created by electric current or air movement shall not be permitted.

1104.2 Exempt Signs

The following signs are hereby exempt from the permit provisions of this Article.

A. Civic and Religious

B. Civic and Religious Organizations

1. One (1) sign on each street frontage indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed four (4) square feet.
2. One (1) notice bulletin board used exclusively for noncommercial announcements not over thirty-two (32) square feet in area and not exceeding fifteen (15) feet in height.

C. Agricultural Signs

1. One (1) sign indicating membership in agricultural associations or cooperatives or specialization in a particular breed of animal or strain of plant, provided that the area on one side of any such sign shall not exceed nine (9) square feet.
2. One (1) sign advertising the sale of farm products, including edible farm products, nursery products, or livestock produced or raised on the premises, provided that the area of one side of any such sign shall not exceed thirty-two (32) square feet and the height does not exceed fifteen (15) feet.

D. Directional or Instructional Signs - On-site signs, not exceeding four feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.

E. Noncommercial Signs - Flags, emblems, and insignia of political, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.

F. Governmental Signs - Governmental signs for control of traffic, emergency response, and other public or

regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

- G. Holiday Decorations - Signs or other materials of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than ninety (90) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back not less than ten feet from all boundary lines of the lot.
- H. Interior Signs - Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.
- I. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events which are non-commercial in nature.
- J. Name and Address Plates - Wall signs, one per street frontage and not exceeding two (2) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- K. No Trespassing and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding four (4) square feet.
- L. Parking Lot Directional and Instructional Permanent Signs
 - 1. Permanent Directional Signs - Permanent signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.
 - 2. Permanent Instructional Signs - Permanent signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet nor exceeding an aggregate surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- M. Patron Advertising Signs - Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of thirty-two (32) square feet of aggregate surface area with the sole intent of being legible within the athletic facility. Sponsors advertising on score boards may not exceed twenty-five (25) percent of the surface area of the score board.
- N. Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four square feet in aggregate surface area.

- O. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties
- P. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property. (See also §1104.1H.)
- Q. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two square feet not exceeding four square feet in aggregate area.
- R. Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four square feet not exceeding an aggregate surface area of eight square feet on each machine.
- S. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- T. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
- U. Historic Signs - Signs which memorialize an important historic place, event or person and is specifically authorized by the Township or a county, state or federal agency.

1104.3 Construction Requirements

All signs permitted by this Article shall be constructed in accord with all construction code requirements and the provisions of this §1104.3.

- A. Sign Faces - All signs may be multi-faced.
- B. Computation of Sign Area
 - 1. The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed and any surrounding border or frame.
 - 2. Supporting members of a sign shall be excluded from the area calculation.
 - 3. The area of irregular shaped signs or signs containing two (2) or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
 - 4. Where the sign consists of individual letters or symbols attached directly on a building or window the sign area shall be the smallest rectangle that includes all of the letters and symbols. Any illuminated

background shall be considered part of the sign and included in the area calculation.

5. The maximum area of a sign shall apply individually to each side of a sign, provided that only one (1) side of a sign is readable from any location.
- C. Computation of Sign Height – No sign shall exceed a height of twenty-six (26) feet unless a lower height is otherwise required by this Article.
1. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
 2. Normal grade shall be construed to be the lower of:
 - a. existing grade prior to construction, or
 - b. the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
 3. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the district lot, whichever is lower.
- D. Uniform Construction Code - All signs and other advertising structures shall comply with the requirements of the Uniform Construction Code.
- E. Attachment of Signs to Fire Escapes - No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
- F. Overhead Electrical Wiring - Overhead electrical wiring is prohibited and all electric signs shall be listed by a recognized testing laboratory.
- G. Public Right-Of-Way; Setbacks - No signs, other than official traffic signs, shall be erected or maintained in the public right-of-way. No freestanding sign shall be erected or maintained less than fifteen (15) feet to the edge of any public road right-of-way and not less than fifteen (15) feet from side and rear property lines.
- H. Obstruction to Ingress/Egress - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- I. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any building opening required for ventilation.
- J. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight feet of any electrical power line, conductor, or service drop, or

any communication line, conductor, or service drop.

- K. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
- L. Obstruction to Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- M. Traffic/Pedestrian Hazards - No sign shall be erected in such a way as to interfere with or to confuse traffic or pedestrians, to present any traffic or pedestrian hazard, or to obstruct the vision of motorists or pedestrians, and all signs shall comply with the clear sight triangle requirements of this Ordinance.
- N. Protection of the Public - The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- O. Clearance - Clearance beneath overhead signs shall be at least nine (9) feet, measured from the ground or pavement to the bottom-most part of the sign.
- P. Wall Signs
 - 1. Wall signs shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six (six) inches from the wall, nor above or beyond the top and ends of the wall.
 - 2. The face of a wall sign shall not project more than fifteen (15) inches from the outside of the building's wall surface.
 - 3. No part of a wall sign shall extend above the roof eave, unless it is erected on a parapet wall or fascia that extends above the roofline of a flat roof on at least three (3) sides of a building.

1104.4 Maintenance

- A. Maintenance - The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean and sanitary condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- B. Sign Owner's Responsibility - The sign owner shall be responsible for the maintenance of the sign. If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.

1104.5 Illumination

All signs permitted by this Article may be illuminated in accord with the provisions of §701.8 and the following:

- A. Type of Illumination - Illumination may be by internal, internal/indirect or by indirect means.
- B. Flashing - Flashing signs are prohibited in accord with §1104.1D. (See §1110 for permitted electronic signs.)

- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.

1104.6 Signs on Roof

No sign attached to a building shall be placed on any part of the main roof of the building. (See the definition of *roof sign* in §1102.)

1104.7 Awning and Canopy Signs

- A. Buildings - Signs affixed to the surface of an awning or canopy on a building are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such awning or canopy. In addition:
1. Awning and canopy signs shall only display the business name, logo, address and name of the proprietor or property owner. Letters or numerals shall not exceed a height of twelve (12) inches and shall be located only on the front and side vertical faces, except as provided for in this section. The minimum clearance above any walkway shall not be less than eight and one-half (8.5) feet.
 2. Letters and numerals shall be permitted on the sloped surface of an awning, provided that the business served by the awning sign does not use a wall sign(s), and provided further that the letters and numerals on the sloped surface of an awning shall not exceed a height of 40 inches and shall not exceed more than 25 percent of the sloped surface.
 3. No awning or canopy sign shall extend into a required side or rear setback.
 4. The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 5. A name sign not exceeding two square feet located immediately in front of the entrance to an establishment may be suspended from an awning or canopy provided that the name sign is at least 8.5 feet above the sidewalk.
- B. Fuel Service Canopy Signs - Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo, shall be subject to the following:
1. Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
 2. There shall not be more than one service island canopy sign on each face of the canopy.
 3. The gross surface of a service island canopy sign shall not exceed fifty (50) percent of the surface area of the canopy face to which it is attached.

1104.8 Window Signs

Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- A. Sign Copy - Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.
- B. Illumination - Window signs may be internally illuminated but shall not flash.
- C. Permit Not Required - A permit shall not be required.

1104.9 Reserved

1104.10 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 §501.9 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 road right-of-way.

1104.11 Wood Relief Sign Area Bonus

- A. Sign Area - The following signs shall be eligible for a forty (40) percent increase in size over the maximum allowed sign area only if the sign complies with the requirements of this §1104.11 in addition to all other applicable requirements. Example: 40 sf + (40 sf)(40 %) = 40 sf + 16 sf = 56 sf.
 - 1. Residential development road entrance signs (§1106.2).
 - 2. Individual business identification signs (§1108.1).
 - 3. Shopping center, mall and multiple occupant business identification signs (§1108.2).
 - 4. Business subdivision road entrance signs (§1108.3).
- B. Wood or Simulated Wood - The sign shall be wood or simulated wood relief only. The carved pattern is raised and seems to rise out of the underlying material.
- C. Architectural Element - The sign shall be designed as an integral architectural element of the building and component of the site.
- D. Restrained and Compatible - Sign colors, materials, and lighting shall be restrained and compatible with the building and site.

1105 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §1105.

1105.1 General Conditions.

- A. Permit Required - A permit shall be required unless a certain type of temporary sign is specifically exempted.

- B. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
- C. Illumination - Unless specifically permitted for certain signs, temporary signs shall not be illuminated.
- D. Sign Types - Temporary signs shall be limited to non-projecting wall signs or attached ground signs.

1105.2 Temporary Business Banners, Flags and Signs

Temporary business banners, flags and signs (referred to as *temporary business signs*) in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - There shall not be more than two (2) temporary business signs per lot, but such signs shall not be permitted on residential lots. Decorative flags that simply include abstract colors or patterns that include no text are not regulated by this Article, provided they do not exceed two (2) per lot or business.
- B. Area - The aggregated area of all temporary business signs shall not exceed twenty (20) square feet.
- C. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary business signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary business signs shall be displayed for a maximum of thirty (30) consecutive days with a maximum of one (1) event per calendar quarter.
- F. Permit Not Required - A permit shall not be required for temporary business signs.

1105.3 Temporary Development Signs

Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- A. Number - There shall not be more than one temporary development sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
- B. Maximum Area - Thirty-two (32) square feet.
- C. Location - Temporary development signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
- D. Height - Temporary development signs shall not project higher than fifteen (15) feet.

- E. Special Conditions - Temporary development signs shall be permitted only accessory to an approved zoning permit for a project or development. Temporary development signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

1105.4 Temporary Contractor or Subcontractor Signs

Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
- B. Maximum Area - Thirty-two (32) square feet.
- C. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is actively working. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary contractor or subcontractor signs shall be permitted only accessory to an approved building permit for a project or development. Temporary contractor or subcontractor signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.
- F. Permit Not Required - A permit shall not be required for temporary contractor or subcontractor signs.

1105.5 Noncommercial Temporary Event Signs Including Banners

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for noncommercial purposes shall be subject to the following:

- A. Number - There shall be not more than two (two) temporary event signs per lot.
- B. Maximum Area – Thirty-two (32) square feet.
- C. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within seven (7) days of the termination of such campaign, drive, activity, or event.
- D. Permit Not Required - A permit shall not be required.

1105.6 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

- A. Private Property - On private property, temporary political signs shall be considered noncommercial free speech signs regulated by §1104.10.
- B. Road Right-of-Way - Temporary political signs located within a public or private road right-of-way shall comply with the following:
1. Size and Height - Temporary political signs shall not exceed dimensions of four (4) feet by eight (8) feet and project higher than fifteen (15) feet.
 2. Timing - Signs may be displayed for a period not to exceed ninety (90) days prior to the date of the election to which the signs are applicable and shall be removed within ten (10) days following the election.
 3. Road Setback - All political signs shall be located a minimum of five (5) feet from the edge of the paving or curb line of any public or private road, and shall not create a traffic hazard.
 4. Support - Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
 5. Permit Not Required – A permit shall not be required for political signs. Prior to the erection of any political signs, the political candidate or the candidate's authorized representative should contact the Zoning Officer to ensure compliance with applicable requirements.

1105.7 Temporary Real Estate Signs

Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- A. Number - There shall be not more than two (2) temporary real estate signs on a lot.
- B. Maximum Area – Nine (9) square feet.
- C. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary real estate signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary real estate signs shall be placed only when the premises is actively being marketed and shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- F. Permit Not Required - A permit shall not be required for temporary real estate signs.

1105.8 Temporary Seasonal Agricultural Activity Signs

Temporary seasonal agricultural activity signs shall be subject to the following: (Examples of such signs include, but are not limited to, "Pick Your Own Berries," "Christmas Trees," or produce sales.)

- A. Area - The aggregate surface area of all signs shall not exceed thirty-two (32) square feet.

- B. Location - Such signs shall be located only upon the premises where the seasonal agricultural activity is taking place. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- C. Height - Temporary seasonal farm product signs shall not project higher than fifteen (15) feet.
- D. Special Conditions - Such signs shall not be erected more than fifteen (15) days before the harvest of the produce and shall be removed within seven (7) days from the end of the harvest.
- E. Permit Not Required - A permit shall not be required for temporary seasonal agricultural activity signs.

1106 Residential Uses

The following signs are permitted in all districts accessory to a permitted residential use.

1106.1 Residential Building Name and Address Signs

Name and address signs of residential buildings indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

- A. Type - Building name and address signs may be either wall signs or ground signs.
- B. Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two or more streets, one additional sign oriented to each abutting street shall be permitted.
- C. Area - Building name and address signs shall not exceed four (4) square feet.
- D. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within 15 feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs.

1106.2 Residential Development Road Entrance Signs

Residential development road entrance signs for developments with two or more buildings with a total of five or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

- A. Type - The residential development road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development.
- C. Area - Residential development road entrance sign area shall not exceed thirty-two (32) square feet.
- D. Location - Residential development road entrance signs may be located in any required setback, but shall

not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

- E. Height - Residential development road entrance signs shall not project higher than fifteen (15) feet.
- F. Sign Faces - Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1106.3 Home Occupation Signs

One (1) sign of not more than two (2) square feet for each face shall be permitted.

1107 Reserved

1108 Commercial, Manufacturing, Industrial, Public and Semi-Public Uses

For all commercial, manufacturing, industrial, public and semi-public uses (referred to as *business* in this section) the following signs are permitted and then only if accessory to a permitted use, and such signs shall be subject to the requirements of this §1108 and any other applicable provisions contained in this Article:

1108.1 Individual Business Identification Signs

The provisions of this §1108.1 shall apply where an individual business is located on the lot. The following signs are permitted provided all regulations are met:

A. Freestanding Signs

1. Number - Only one (1) freestanding business identification sign is permitted per lot, except on corner lots where one (1) may be permitted on each street frontage.
2. Area - The maximum area shall be thirty-two (32) square feet.
3. Height - The maximum height shall be twenty-six (26) feet.

B. Wall Signs - Business signs attached to the principal structure shall be permitted.

1. Location - A wall sign shall only be attached to or painted on the facade of the building which faces the public 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.
2. Area - The total area of the signs(s) shall not exceed twenty-five (25) percent of the area of the facade to which the sign is attached or forty (40) square feet, whichever is less.

1108.2 Shopping Center, Mall and Multiple Occupant Business Identification Signs

The following provisions shall apply to developments, whether planned and developed on one lot or multiple lots as a group, in which two (2) or more businesses (commercial, manufacturing, industrial, public or semi-public uses) are housed in one (1) or more principal structures.

A. Freestanding Signs

1. Number - Only one (1) freestanding sign is permitted per lot, except on corner lots where one (1) may be permitted on each street frontage.
 2. Area - The maximum area of a freestanding sign shall be thirty-two (32) square feet.
 3. Directory - Each freestanding development identification sign may include, affixed directly to it, a directory indicating only the names of the business occupants of the development which are not listed on the main sign face. The gross surface area of a directory sign shall not exceed twelve (12) square feet for each exposed face for each occupant in the development.
 4. Height - The main identification signs shall not exceed twenty-six (26) feet in height.
- B. Individual Occupant Wall Signs (See §1108.7 for shingle signs.)
1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
 2. Area - The total area of the signs(s) shall not exceed twenty-five (25) percent of the area of the facade to which the sign is attached or forty (40) square feet, whichever is less.
 3. Location - A wall sign shall only be attached to or painted on the facade of the building which faces the public 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.
 4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or beyond and wall edge.
- 1108.3 Business Subdivision Road Entrance Signs
- Business subdivision road entrance signs for developments with two or more commercial, manufacturing, industrial, public and semi-public buildings (referred to as *business* in this section) indicating only the name of the development shall be subject to the following:
- A. Type - The business subdivision road entrance signs shall be ground signs.
 - B. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development.
 - C. Area - Business subdivision road entrance signs shall not exceed thirty-two (32) square feet.
 - D. Location - Business subdivision road entrance signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
 - E. Height - Business subdivision road entrance signs shall not project higher than fifteen (15) feet.
 - F. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (1) such sign is

used at a road entrance.

1108.4 Automatic Teller Machine (ATM) Signs

ATM signs shall be permitted in association with an approved commercial use subject to the following:

- A. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- B. Area - The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.
- C. Permit Not Required - A permit shall not be required for automatic teller machine signs.

1108.5 Retail Fuel Sales

- A. Permitted Sign - Retail fuel sales establishments shall, in addition to the other permitted signs, be permitted one (1) sign with up to four (4) fuel prices attached to the business identification sign. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. The prices shall be stationary but may be electronically controlled in accord with §1110.

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

- B. Height - The sign shall be attached to the same frame as the main business sign and shall not exceed the permitted height of that sign.

1108.6 Changeable Panel Signs

One (1) changeable panel sign per lot may be incorporated into a permitted freestanding sign, monument sign or wall sign to identify special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located. The changeable panel sign shall be counted in the sign area of the sign in which it is incorporated.

1108.7 Shingle Signs

In addition to the other signs permitted by this Ordinance each establishment with a separate entrance to the outside shall be permitted a shingle sign in accord with this §1108.7.

- A. A shingle sign shall not exceed six square (6) feet and the area of the shingle sign shall count toward the total square footage permitted for individual business identification signs by §1108.1 and toward the wall sign permitted for individual occupants by §1108.2B.
- B. Shingle signs shall be limited to two sign faces installed perpendicular to the building facade.

- C. No portion of a shingle sign shall be less than eight (8) feet above any pedestrian walkway or the grade below the sign.
- D. No portion of a shingle sign shall project above the top of an eave or parapet.
- E. Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
- F. A shingle sign shall maintain a ten-foot separation from another shingle sign.
- G. Shingle signs shall be located at the business entrance.
- H. Shingle signs shall not be more than six inches or less than one (1) inch thick.

1109 Off-Premises Advertising Signs and Billboards

Off-premises advertising signs and billboards (referred to as *billboards*) are permitted in the GC - General Commercial District on lots fronting on PA Route 191 subject to the following:

1109.1 Number and Spacing

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 one thousand (1,000) feet to any other billboard.

1109.2 Dwelling and District Setbacks

No billboard shall be erected less than three-hundred (300) feet from any existing residential structure or any other District.

1109.3 Size

No billboard shall exceed three hundred (300) square feet in surface area and no advertising face shall exceed twelve (12) feet in vertical measurement or twenty-five (25) feet in horizontal measurement.

1109.4 Height

No billboard shall exceed a height of twenty-six (26) feet as measured from the elevation of the public road immediately adjacent to the billboard to the highest part of the billboard.

1109.5 Setbacks

All billboards shall maintain a side setback of not less than twenty-five (25) feet; and shall be located not less than thirty (30) feet and not more than seventy-five (75) feet from the adjoining public road right-of-way line.

1109.6 Separate Structure

No billboard shall be attached to or erected on any other structure.

1109.7 Advertising Sides

Advertising material shall be permitted only on one side of any billboard; and advertising material shall not be placed on the blank side of any existing billboard.

1109.8 Intersection Setback

All off-site advertising signs shall be located no closer than one hundred (100) feet from any public road intersection.

1109.9 Electronic Message

A billboard may be an electronic message sign complying with §1110.

1110 Electronic Message Signs

In addition to all other applicable regulations, the following regulations shall apply to all electronic message signs. In the case of conflict, the more restrictive standard shall apply.

1110.1 Location and Number, Size and Height

- A. Location - Electronic message signs shall be located only on parcels within GC Districts.
- B. Number, Size and Height - Each development parcel shall be limited to one (one) electronic message sign which is used in lieu of another permitted sign subject to the normal standards for that sign. In the case of a shopping center, mall or multiple occupant business comprised of several parcels, one (1) electronic message sign shall be permitted for the entire development.

1110.2 Nonconforming Sign Replacement

Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article.

1110.3 Message Display

- A. Hold Time - Any portion of the message shall have a minimum duration (hold time) of five (5) seconds and shall be a static display. Messages shall completely change to the next message within one (1) second.
- B. Motion - The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other sign. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion. Time and temperature signs are exempt from this requirement.
- C. Malfunction - All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position and lock the luminance level to the nighttime setting should a malfunction occur.
- D. Projection - Images or messages projected onto buildings or other objects shall be prohibited.
- E. Luminance
1. No sign may display light of such intensity or brilliance to cause glare, hazard or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.
 2. Signs shall have a maximum luminance of five thousand (5,000) nits during daylight hours. During the nighttime signs and billboards shall be limited to a maximum luminance of one hundred fifty (150) nits.

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.

3. All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions. The sign shall also be equipped with

an automatic malfunction shut off switch.

4. Signs shall comply with light trespass regulations set forth in §701.8.
5. Surface luminance measurements shall be made directly with a calibrated luminance meter, following the instrument manufacturer's directions. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of two hundred (200) nits shall be permitted during nighttime.
6. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed five thousand (5,000) nits and that the intensity has been protected from end-user manipulation by password-protected software.

1111 Nonconforming Signs

1111.1 Legal, Nonconforming Signs

Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal nonconforming use.

1111.2 Maintenance and Repair

- A. Area - The total area of any nonconforming sign shall not be increased.
- B. Removal and Reconstruction - The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of Article IX applicable to other nonconforming structures.
- C. Damage or Destruction - A nonconforming sign which is damaged or destroyed may be rebuilt in a nonconforming fashion only in accord with Article IX applicable to other nonconforming structures.
- D. Improvements and Maintenance - Nonconforming signs may be repainted, repaired or modernized, provided such improvements do not increase the dimensions, height or position of the existing nonconforming sign or change the sign, message or business being advertised.
- E. Conversion to Electronic Message Sign
 1. Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article.
 2. A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.

1112 Removal of Certain Signs

1112.1 Abandoned Signs

- A. Removal - Any sign, whether existing on or erected after the effective date of this Ordinance, which

advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be presumed to be abandoned and shall be removed within one (1) year from the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

- B. Enforcement - Enforcement of a violation of §1112.1A shall be in accord with §1216.

1112.2 Nuisance Signs

- A. Violation - The maintenance of any sign which is unsafe or insecure, or is a public nuisance, shall be considered a violation of this Article.
- B. Enforcement - Enforcement of a violation identified in §1112.2A shall be in accord with §1216.
- C. Immediate Peril - Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.
- D. Property Owner Permission Required - No person shall post or locate any information, personal, temporary, political, special event, or development sign upon public or private property, tree, utility pole, traffic control device or sign, road sign, street sign, or upon any other existing sign, without the permission of the owner of the same.
- E. Removal - Any sign not removed within the time required by this Ordinance is deemed to be abandoned and may be removed and disposed of by the Township and the owner of such sign shall be liable for cost incurred by the Township in taking such remedial action.

1112.3 Illegal Signs

If the Zoning Officer shall find that any sign is displayed in violation of this Ordinance, an enforcement action shall be initiated in accord with §1216.

ARTICLE XII ADMINISTRATION

1200 Applicability

1200.1 Conformance

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

1200.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania municipalities Planning code, as amended.

1200.3 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.

1200.4 Repairs and Maintenance

(Note: A Uniform Construction Code permit may be required in cases where a zoning permit is not required.)

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 any other activity regulated by this Ordinance.

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within thirty (30) days of receiving a proper and complete application for a principal permitted use or accessory use, the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one applicable reason in writing to the applicant or his/her representative.

1201.2 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.

1201.3 Appeal

See §1205.2B.

1201.4 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.

1202 Permits and Certificates**1202.1 Applicability** See §1200.**1202.2 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.

1202.3 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 §1202.3 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 §1202.3C6 which follows, shall not generally be required unless the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
4. If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 - (1) Water courses, lakes and wetlands (with names).
 - (2) Rock outcrops, ledges and stone fields.
 - (3) Buildings, structures, signs and setbacks required by the Zoning Ordinance.
 - (4) Approximate location of tree masses.
 - (5) Utility lines, wells and sewage system(s).
 - (6) Entrances, exits, access roads and parking areas including the number of spaces.
 - (7) Drainage and storm water management facilities.
 - (8) Plans for any required buffer plantings
 - (9) Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.

8. Tract boundaries accurately labeled. The Zoning Officer, in his discretion, may require a survey prepared by a Pennsylvania Registered Land Surveyor for any application.
 9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
 10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
 11. A statement of the type of water supply and sewage disposal proposed.
 12. The present zoning district and major applicable lot requirements.
- D. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- E. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article III.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- G. Subdivision Approval - Applications for uses which also necessitate approvals under the 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 §1202.7 of this Ordinance.

1202.4 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 or accessory use within a maximum of thirty (30) 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.

1202.5 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.

1202.6 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.
- 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 Planning Commission, the Board of Supervisors or the Zoning Hearing Board if the change concerns a plan approved by such bodies.

1202.7 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.

1202.9 Minimum Residential Lot Requirements

Any lot or parcel of land proposed for residential use, either permanent, seasonal, part time or recreational by means of a permanent or movable housing structure or recreational vehicle shall be improved to certain minimum requirements prior to issuance of a residential occupancy permit. The minimum required improvements shall include:

- A. A safe potable water supply and delivery system.
- B. A sewage disposal System which meets all state and township requirements.
- C. Required off-street parking spaces.
- D. Power supply facilities approved by the local utility company.

1202.8 Expiration of Permits and Approvals

- A. Zoning Permits - When authorized by the issuance of a zoning permit, any permitted building construction shall be initiated within one (1) year of the permit issuance date and be completed within two (2) years of the permit issuance date. The zoning permit shall automatically expire for failure to comply with the required initiation and completion periods.
- B. Conditional Use Approval or Special Exception Approval - See §1208.5.

1203 Fees

1203.1 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.

1203.2 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.

1204 Zoning Officer

1204.1 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.

1204.2 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.

1204.3 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 field 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.

1204.4 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.

1205 Zoning Hearing Board

1205.1 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.

1205.2 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.

1206 Zoning Hearing Board -- Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the provisions of this §1206. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (For the purposes of this §1206 *Board* shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

1206.1 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 Notice
 - 1. Written notice shall be mailed, emailed or personally delivered to the Zoning Officer and the Applicant or his/her representative listed on an official application form within ten (10) calendar days of the date the hearing is scheduled.

2. Notice may be delivered, emailed or mailed to the Chairperson of the Planning Commission and the Township Secretary within ten (10) calendar days of the date the hearing is scheduled.
 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 not less than fourteen (14) calendar days prior to the hearing date.
 4. Notice of all special exception hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing date. Such notice shall be by certified mail to the last known address of the contiguous owners as listed in County tax assessment records and the Applicant shall provide proof of the certified mailing to the Zoning Hearing Board. Failure of the Applicant to complete and provide proof of the required certified mailing the Zoning Hearing Board shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Zoning Hearing Board. Notice of any rescheduled hearing shall comply with all applicable requirements.
- 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.

1206.2 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 persons 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.

1206.3 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.

1206.4 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.

1206.5 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.

1206.6 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.

1206.7 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.

1206.8 Hearings and Decision

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the Pennsylvania Municipalities Planning Code, as amended.

1206.9 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least seven (7) days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

1207 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).

1207.1 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.

1207.2 Reserved

1207.3 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.

1208 Conditional Uses and Special Exceptions

1208.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §1208.6. 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.

1208.2 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 §1208.4 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. Application Filing
 - a. Five (5) completed copies of the application shall be filed with the Zoning Officer at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the Official Date of Application Submission.
 - b. The Zoning Officer shall refuse to accept for filing an application which does not provide all information required by this Ordinance and/or the failure to pay the required fee.

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 application complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
4. Official Date of Application Submission - The Official Date of Application Submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.
 - a. If the submission is not complete or is not in the proper form, the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - b. If the submission is complete and acceptable, the date of the said meeting shall be the Official Date of the Application Submission and shall begin the sixty (60) day period for the commencement of the required hearing before the Board of Supervisors.
 - c. If the first meeting of the Planning Commission following the date of application filing occurs more than thirty (30) days following the date of the filing, the sixty (60) day hearing commencement period shall be measured from the thirtieth (30th) day following the day of said filing.
5. Planning Commission Review
 - a. The Planning Commission shall be provided with an opportunity to review any proposed conditional use at a regular meeting prior to a decision by the Board of Supervisors. The Commission, at its option, may provide a written advisory review along with a recommendation indicating whether the criteria listed in §1208.4 and any other applicable performance standards have been satisfied, and if approval is recommended, any conditions of approval which are deemed appropriate for the protection of the public health, safety and general welfare.
 - b. If such review is not received within the time limit within which the Board of Supervisors must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board of Supervisors may make a decision without having received comments from the Planning Commission.
6. Notice of Hearings

Notice of all conditional use hearings of the Board of Supervisors shall be given as follows:

 - a. 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.
 - b. Persons Given Notice
 - (1) Written notice shall be mailed, emailed or personally delivered to the Zoning Officer and the Applicant or his/her representative listed on an official application form within ten (10) calendar

days of the date the hearing is scheduled.

- (2) Notice may be delivered, emailed or mailed to the Chairperson of the Planning Commission and the Township Secretary within ten (10) calendar days of the date the hearing is scheduled.
- (3) Also, such notice shall be mailed, emailed 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 not less than fourteen (14) calendar days prior to the hearing date.
- (4) Notice of all conditional use hearings shall be mailed by the Applicant to the owners of all properties contiguous to, and across the street from, the parcel which is the subject of the hearing not less than fourteen (14) calendar days prior to the hearing date. Such notice shall be by certified mail to the last known address of the contiguous owners as listed in County tax assessment records and the Applicant shall provide proof of the certified mailing to the Board of Supervisors. Failure of the Applicant to complete and provide proof of the required certified mailing the Board of Supervisors shall result in the suspension of the hearing and toll the sixty (60) day period for the commencement of the required hearing before the Board of Supervisors. Notice of any rescheduled hearing shall comply with all applicable requirements.

7. Board of Supervisors Action

- a. The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended.
- b. 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.

1208.3 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 §1208.4.

- 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 special exception.
- B. Procedure (See §1206 for require notice.)

1. Application Filing

- a. Five (5) completed copies of the application shall be filed with the Zoning Officer at least ten (10) working days prior to the Planning Commission meeting at which the Applicant applies for the Official Date of Application Submission.
- b. The Zoning Officer shall refuse to accept for filing an application which does not provide all information required by this Ordinance and/or the failure to pay the required fee.

2. 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 application complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
3. Official Date of Application Submission - The Official Date of the Application Submission shall be determined by the Planning Commission which shall examine the submission to determine that all documents are complete and in proper form.
 - a. If the submission is not complete or is not in the proper form, the Applicant shall be notified in writing of the deficiencies and the submission shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the re-submission.
 - b. If the submission is complete and acceptable, the date of the said meeting shall be the Official Date of the Application Submission and shall begin the sixty (60) day period for the commencement of the required hearing before the Zoning Hearing Board.
 - c. If the first meeting of the Planning Commission following the date of application filing occurs more than thirty (30) days following the date of the filing, the sixty (60) day hearing commencement period shall be measured from the thirtieth (30th) day following the day of said filing.
4. Planning Commission Review of Special Exception Uses
 - a. The Planning Commission shall be provided with an opportunity to review any proposed special exception at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review along with a recommendation indicating whether the criteria listed in §1208.4 and any other applicable performance standards have been satisfied, and if approval is recommended, any conditions of approval which are deemed appropriate for the protection of the public health, safety and general welfare.
 - b. If such review is not received within the time limit within which the Zoning Hearing Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Zoning Hearing 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 a request for a special exception use under the procedures in §1206 of this Ordinance and §908 of the MPC.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1208.4 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.

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.

1208.5 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.

1208.6 Information Required

The applicant shall supply the information required by §1202.3 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.

1209 Reserved

1210 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.

1211 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1211.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than thirty (30) days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may

be provided under §914.1 of the PA Municipalities Planning Code.

1211.2 Temporary Permits

This 30 day time limit for appeal shall not apply to the revocation of a permit under §1202.5.

1211.3 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.

1212 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.

1213 Public Utility Exemptions

See §619 of the PA Municipalities Planning Code.

1214 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.

1215 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.

1216 Violations

1216.1 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.

1216.2 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.

1216.3 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 §1216.3, 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 §1216.3

- 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.

1217 Penalties and Remedies

1217.1 Causes of Action

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1217.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding

commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this §1217 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.

1218 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

ARTICLE XIII
AIRPORT OVERLAY DISTRICT;
STANDARDS APPLICABLE TO NEW AIRPORTS AND CHANGES TO EXISTING AIRPORTS

1300 Introduction and Intent

1300.1 Introduction

This Article XIII applies to the *Airport Overlay District* created by §401.1 of this Ordinance which includes all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by this Article XIII. In addition to all other applicable standards of this Zoning Ordinance the requirements of this Article XIII shall apply in the Airport Overlay District.

This Article XIII regulates and restricts the height to which structures may be erected or objects of natural growth are permitted to extend, and otherwise regulates the use of property in the vicinity of an airport regulated by this Article XIII by creating the appropriate zones and establishing the boundaries thereof; provides for changes in the restrictions and boundaries of such zones; and defines certain terms used herein.

The standards in this Article XIII shall also apply to any other existing or proposed airports in the Township.

1300.2 Intent

The intent of the *Airport Overlay District* is to regulate airport hazard zones in the Township. Activities at airports may limit the uses of the lands owned by others, and the uses of land in airport hazard zones may limit the operation of an airport. Therefore, the purpose of the overlay district is to provide procedures and criteria for balancing the rights of airport owners and landowners in the vicinity of airports, in light of the need for aircraft safety.

1301 Authority

In addition to the authority for zoning in general as authorized by the Pennsylvania Municipalities Code, the provisions of this Article XIII are adopted pursuant to the authority conferred by the Act of October 10, 1984, P.L. 8313, No. 164, of the General Assembly of the Commonwealth of Pennsylvania, as amended, known and cited as the *Aviation Code of Pennsylvania* and specifically that subchapter of the *Aviation Code* known as the *Airport Zoning Act*

1302 Findings and Declaration of Policy

1302.1 Findings

It is hereby found that:

- A. An obstruction has the potential for endangering the lives and property of users of an airport regulated by this Article XIII and property or occupants of land in the vicinity;
- B. An obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport regulated by this Article XIII ;
- C. That obstructions to aircraft concern the Federal Aviation Administration (FAA), and the Pennsylvania Department of Transportation, Bureau of Aviation (Bureau);
- D. That FAA and the Bureau have issued model regulations and guidelines for Township to facilitate the control of obstructions to aircraft;

- E. That the regulation of these obstructions, upon lands not owned by the airport owner or operator, shall not adversely affect the right of neighboring landowners to reasonably use their lands within the reasonable height limitations of the Zoning Ordinance;
- F. That the prevention of the creation or establishment of hazards to air navigation are public purposes necessary for the protection of the safety, health, and welfare of the residents of the Township and the traveling public.
- G. That expansion or changes at public airports in the Township may result in changes to airport hazard zones;
- H. That changes in airport hazard zones affect the rights of property owners to reasonably use or develop their land;
- I. That the character of the flying operations conducted at airports, the nature of the terrain within airport hazard zones, the character of the neighborhood, and the public interest, are all considerations needing protection by airport hazard zoning regulations;
- J. That any changes to airport hazard zones resulting in changes at airports shall be carefully reviewed for its affects upon neighboring landowners as well as for the safety of the aircraft; and
- K. That the regulation, restriction, or prohibition of uses, and structures at, along, or near public airports is an important function for which zoning and land use ordinances are enacted, and that a Township may require permits prior to changes in uses or structures at or near airports, and may enact reasonable regulations to protect the public health, welfare, safety, morals, and general welfare.

1302.2 Declaration of Policy

Accordingly, it is declared that:

- A. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the public health, safety and welfare;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and,
- C. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the powers of the Township Supervisors.

1303 General Definitions

The definitions in this §1303 shall supplement the definitions in Article III of this Ordinance and shall apply to the requirements and standards of this Article XIII.

AIRCRAFT -- Any contrivance used for manned ascent into or flight through the air.

AIRPORT -- In general, any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

AIRPORT ELEVATION -- In general, the highest point of an airport's usable landing area measured in feet above sea level.

AIRPORT HAZARD -- Any structure or object, natural or manmade, or use of land which obstructs the airspace

required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by “Airport Hazard” in 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA -- Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Article and PA Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

AIRPORT ZONE MAP --See *Height Limitation and Zoning District Map*.

APPROACH SURFACE -- A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in §1304 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES-- These zones are set forth in §1304 of this Ordinance.

BUREAU OF AVIATION -- Pennsylvania Department of Transportation, Bureau of Aviation.

CONICAL SURFACE -- A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet.

DEPARTMENT -- Pennsylvania Department of Transportation, Bureau of Aviation.

FAA -- Federal Aviation Administration of the United States Department of Transportation.

HEIGHT -- For the purpose of determining the height limits in all zones set forth in this Article and shown on the airport zone map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT LIMITATION AND ZONING DISTRICT MAP (also referred to as *airport zone map*) -- For any airport regulated by this Article XIII, the most current *Height Limitation and Zoning District Map* as published by the Pennsylvania Department of Transportation, Bureau of Aviation. (See next page for Skyhaven Airport.)

HORIZONTAL SURFACE -- A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

NONCONFORMING USE -- Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

NON-PRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION -- Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §1304 of this Ordinance.

PERSON -- An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRIMARY SURFACE -- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. When the runway

has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §1304 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.



Skyhaven Airport Height Limitation and Zoning District Map, 1989
Pennsylvania Department of Transportation, Bureau of Aviation

RUNWAY -- A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE -- An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES -- These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

UTILITY RUNWAY -- A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VEGETATION -- Any object of natural vegetative growth.

VISUAL RUNWAY -- A runway intended solely for the operation of aircraft using visual approach procedures.

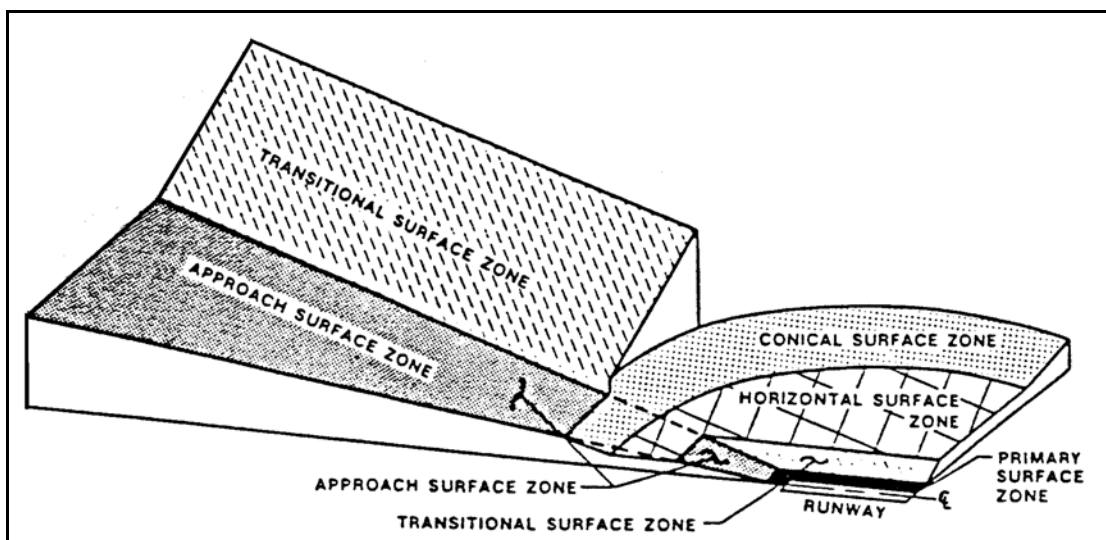
1304 Airport Surface Zones

In order to carry out the provisions of this Article XIII, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by this Article XIII. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. Should any airport be developed or any existing airport be upgraded beyond the zones included in this section, FAA criteria for the applicable classification shall apply.

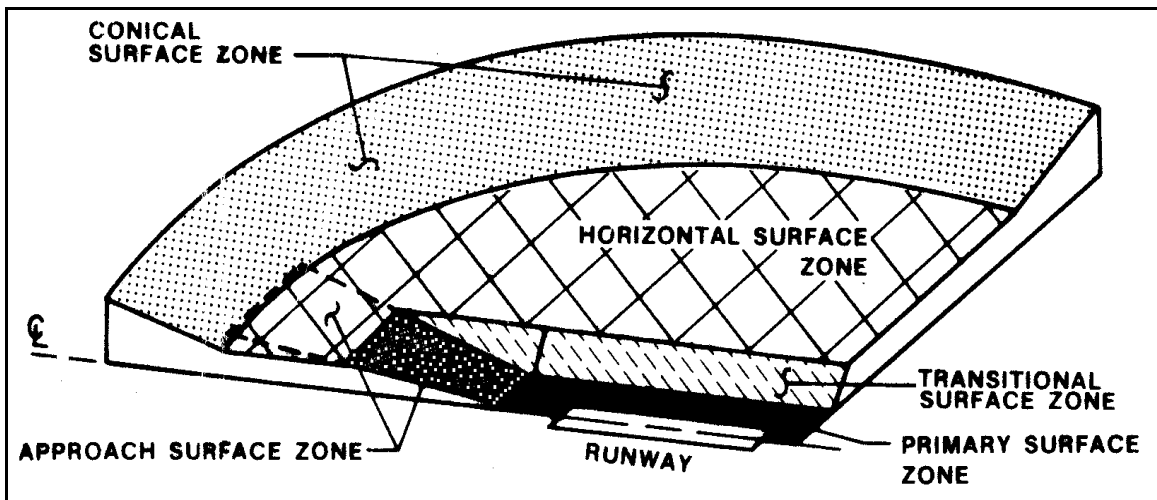
The various zones are hereby established and defined as follows:

1304.1 Utility Runway Approach Surface Zones

- A. Visual Approach Surface Zone - Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide (125 feet on each side of the runway centerline). The zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.



Extended Isometric View of Airport Surface Zones



Isometric View of Airport Surface Zones

- B. Non-precision Instrument Approach Surface Zone - Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide (250 feet on each side of the runway centerline). The zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1304.2 Utility Runway Primary Surface Zone

The primary surface zone is longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface zone extends two hundred (200) feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface zone ends at each end of that runway.

- A. Primary Surface Zone for Visual Approaches - The boundary of this zone coincides with the primary surface and is two hundred and fifty (250) feet wide (125 feet on each side of the runway centerline).
- B. Primary Surface Zone for Non-precision Instrument Circling Approaches - The boundary of this zone coincides with the primary surface and is two hundred and fifty (250) feet wide (125 feet on each side of the runway centerline).
- C. Primary Surface Zone for Non-precision Instrument Straight-In Approaches - The boundary of this zone coincides with the primary surface and is five hundred (500) feet wide (250 feet on each side of the runway centerline).

1304.3 Transitional Surface Zone

Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

1304.4 Horizontal Surface Zone

Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

1304.5 Conical Surface Zone

Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

1305 Airport Surface Zone Height Limitations

Except as otherwise provided in this Article XIII, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow in any zone created by this Article XIII to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1305.1 Utility Runway Surface Zones

- A. Visual Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- B. Non-precision Instrument Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) along the extended runway centerline.

1305.2 Primary Surface Zone

Established at the same height as the primary surface. The exception provided in §1305.6 shall not apply in the Primary Surface Zone.

1305.3 Transitional Surface Zones

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation.

1305.4 Horizontal Surface Zone

Established at one hundred fifty (150) feet above the established airport elevation.

1305.5 Conical Surface Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation.

1305.6 Excepted Height Limitations

However, nothing in this Article XIII shall be construed as prohibiting the construction or maintenance of any structure, or growth of any vegetation to a height up to fifty (50) feet above the surface of the land, which is not otherwise prohibited by this Zoning Ordinance. This exception shall not apply in the Primary Surface Zone.

1306 Airport Zoning Requirements**1306.1 Use Restrictions -- Electrical Interference, Lighting, Glare, Bird Hazards**

Notwithstanding any other provisions of this Article XIII, no use may be made of land or water within any zone established by this Article XIII in such a manner as to:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft. This is not intended to preclude the normal use of household appliances such as for example, microwave ovens,

televisions, portable telephones and computers.

- B. Make it difficult for pilots to distinguish between airport lights and others.
- C. Result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport.
- D. Create bird strike hazards.
- E. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1306.2 Nonconforming Uses

- A. Regulations Not Retroactive - The regulations prescribed by this Article XIII shall not be construed to require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Article XIII or governing predecessor ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided in §1307 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article XIII or governing predecessor ordinance, and is diligently executed.
- B. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Township Board of Supervisors in accord with FAA or Bureau of Aviation guidelines or regulations to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport.

1307 **Permits**

The permits and variances required by this Article XIII shall be in addition to those required by Article VI of this Zoning Ordinance with respect to principal permitted uses, conditional uses, special exceptions and accessory uses. Applications for permits and variances required by this Article XIII may be submitted and considered concurrently with the application for any other such approval required and no permit shall be granted under the terms of this Article XIII unless any other permit required by other Articles of this Ordinance has been granted.

1307.1 Future Uses; Permits Required

Except as specifically provided in subsections A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no vegetation shall be permitted to exceed the established height limitation in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information for the Township to determine whether the resulting use, structure, or vegetation would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article XIII shall be granted unless a variance has been approved in accordance with this Article XIII.

Nothing contained in any of the exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any vegetation in excess of any of the height limits established by this Article XIII, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. However, a general zoning permit may be required pursuant to the other requirements of this Zoning Ordinance.

- A. Horizontal Zone and Conical Zone - In the area lying within the limits of the horizontal zone and conical zone, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such vegetation or structure would extend above the height limits prescribed for such zones.
- B. Approach Zones - In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such vegetation or structure would extend above the height limit prescribed for such approach zones.
- C. Transition Zones - In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when such vegetation or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
- D. Primary Surface Zones - No permit exemptions.

1307.2 Existing Uses

Before any nonconforming structure may be replaced, substantially altered or rebuilt or vegetation allowed to grow higher, a permit must be secured from the Zoning Officer authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or vegetation to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

1307.3 Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Officer determines that any nonconforming vegetation or structure has been abandoned or discontinued as governed by Article IX of this Zoning Ordinance, no permit shall be granted that would allow such structure or vegetation to exceed the applicable height limit or otherwise deviate from this Article XIII.

1307.4 Procedures

- A. Application - The applicant for a permit shall, in addition to the other information required for zoning permits by this Zoning Ordinance, provide information detailing the height of the proposed structure, object or vegetation, the elevation of the proposed site, and a statement as to the compliance with the height limitations established by this Article XIII.
- B. FAA, Bureau of Aviation Filing - A person who plans to erect a new structure, to add to an existing structure, or to erect any object (natural or manmade) in the approach surface zone, the primary surface zone, or the transitional surface zone, or where the proposed object exceeds a height of fifty feet in the horizontal surface zone and conical surface zone, shall first obtain approval from both the FAA and the Pennsylvania Department of Transportation, Bureau of Aviation. If, in consultation with the Board of Supervisors and the Township Engineer, the Zoning Officer determines that any uncertainty exists as to the compliance with the height limitations of this Article XIII, the applicant shall be required to file Form AV-57 with the Bureau of Aviation; and File FAA Form 7460-1 with the FAA. Copies of the forms and responses shall be provided to the Zoning Officer. In cases where FAA or Bureau of Aviation regulations so require, the submission of a *Notice of Proposed Construction or Alteration* shall be mandatory. No application shall be considered as complete for consideration until required responses are received from the FAA and Bureau of Aviation. Any requirements of the FAA or Bureau of Aviation shall be a condition of approval of any variance or permit approval.

- C. Zoning Officer Action - In cases where FAA and Pennsylvania Department of Transportation, Bureau of Aviation action is required in accord with §1307.4,B, the Zoning Officer shall not issue a Zoning Permit unless and until written responses are received from both FAA and the Bureau of Aviation.
1. If the Bureau of Aviation and the FAA report the landowner's proposed construction or alteration does not constitute an obstruction, the Zoning Officer may issue a Zoning Permit.
 2. If either the Bureau of Aviation or the FAA reports the proposed construction or alteration is an obstruction, the permit shall not be issued and the applicant may apply for a variance.

1308 Variances

- A. Application - Any person desiring to erect any structure or increase the height of any structure or permit the growth of any vegetation or otherwise use his property not in accordance with these airport zoning regulations, may apply to the Zoning Hearing Board (ZHB) in accord with this Article XIII and §608 of this Ordinance for a variance from the zoning regulation in question.
- B. Requirements - A variance shall only be granted after the requirements of §1308 and §608.3 are satisfied. No variance shall be granted which is contrary to the public interest, which will create a hazard to air navigation, or which would not be in accordance with the spirit of the regulations in this Article XIII. Any variance may be granted subject to any reasonable conditions that the ZHB may deem necessary to effectuate the purpose of this Article XIII.
- C. FAA / Bureau of Aviation Determination - The application for variance shall be accompanied by a determination from the Federal Aviation Administration and the Bureau of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Any requirements of the FAA and Bureau of Aviation shall be a condition of approval of any variance or permit approval.
- D. Airport Notification - See §1310.2.
- E. Notice of Intent to Grant Variance To Bureau of Aviation - See §1310.3.

1309 Obstruction Marking and Lighting

Any permit or variance granted under this Article XIII may, if such action is deemed advisable to effectuate the purpose of this Article XIII and is reasonable under the circumstances, be so conditioned as to require the owner of the structure or vegetation in question to permit the Airport, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA or Bureau of Aviation.

1310 Enforcement and Notice

1310.1 Local Enforcement

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose. Application for action by the ZHB shall be forthwith transmitted by the Zoning Officer. All such applications may be made and may be considered concurrently with any required general zoning application.

1310.2 Airport Notification

- A. Permits - Upon receipt of any application for a permit pursuant to this Article XIII which is subject to FAA and

Bureau of Aviation determination in accord with §1307.4,B, the Zoning Officer shall notify the Airport Manager (or person of equivalent description) who shall be given the opportunity to review and comment on said application as to the aeronautical effects. If the Airport Manager (or person of equivalent description) does not review the application within fifteen (15) days after such notice, the Zoning Officer may act without such input to grant or deny said application.

- B. Variances - No application for variance to the requirements of this Article XIII may be considered by the ZHB unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for comments as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the ZHB may act without such input to grant or deny said application.

1310.3 Notice of Intent to Grant Variance To Bureau of Aviation

Notwithstanding any other provision of law, should the ZHB decide to grant a permit or variance, respectively, under this Article XIII, the Department of Transportation, Bureau of Aviation, shall be notified of the intent to issue the permit or variance. This notice shall be in writing and shall be sent so as to reach the Department at least ten (10) days before the date upon which the decision is to be issued.

1310.4 Subdivisions and Land Developments

- A. Notice of Development - In the case of major subdivisions or land developments as defined by the Township Subdivision and Land Development Ordinance, notice of receipt of any such application shall be provided to the Airport Manager (or person of equivalent description) for comments as to the aeronautical effects of the proposed subdivision or land development. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Township may act without such input to grant or deny said application. Notice to the Bureau of Aviation shall be provided in accord with §1310.3.
- B. Plan Information - The Township shall require that the plans include information to notify potential owners of the property or lots subdivided therefrom that the property is subject to Township airport zone requirements pertaining to height of structures and vegetation, electrical interference, lighting and glare. The details of the then current standards shall also be included on the plan along with the fact that more stringent standards may have been adopted by the Township and that the property owner and/or lot purchaser has the responsibility to comply with all applicable standards.

1310.5 Airport Owner to File Correspondence with Township

The airport owner shall send to the Township copies of all forms, applications, and requests affecting airport hazard zone movement or hazard zone changes sent to FAA and/or the Bureau of Aviation by the airport owner. Said copies shall be sent to the Township within three (3) days of sending said forms, applications and requests to the FAA or the Bureau of Aviation. The airport owner shall also include copies of all maps, documents, correspondence and plans attached to, required by, or accompanying said requests, applications, or forms.

1311 **Relation to Other Zoning Regulations**

In the event of conflict between any airport zoning regulations adopted under this Article XIII and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

1312 **Standards Applicable to New Airports and Changes to Existing Airports**

See §804.

ARTICLE XIV FLOODPLAIN MANAGEMENT

1401 Statutory Authority

The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, this Article XIV is adopted in accord with that delegation and authority.

1402 General Provisions

1402.1 Intent

The intent of this Article is to:

- A. Promote the general health, welfare, and safety of the community.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- C. Minimize danger to public health by protecting water supply and natural drainage.
- D. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- E. Comply with federal and state floodplain management requirements.

1402.2 Applicability

- A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a zoning permit has been obtained from the Floodplain Administrator.
- B. A zoning permit shall not be required for minor repairs to existing buildings or structures.

1402.3 Abrogation and Greater Restrictions

This Article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

1402.4 Warning and Disclaimer of Liability

- A. Warning - The degree of flood protection sought by the provisions of this Article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur, flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside any identified floodplain areas or that land uses permitted within such areas will be free from flooding or flood damages.

- B. Disclaimer - This Article shall not create liability on the part of the Township or any officer of any of the Township identified herein or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

1403 Administration

1403.1 Designation of the Floodplain Administrator

The Tunkhannock Township Zoning Officer is hereby appointed to administer and enforce this Article and is referred to herein as the Floodplain Administrator.

1403.2 Zoning Permits Required

Zoning permits shall be required in accord with §1201, §1202 and this Article before any construction or development is undertaken within any identified floodplain area.

1403.3 Duties and Responsibilities of the Floodplain Administrator

- A. Conformance - The Floodplain Administrator shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- B. State and Federal Laws - Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, §404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. Repetitive Loss - In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss issues can be addressed before the permit is issued.
- D. Inspections - During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.
- E. Authority for Entry -In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Article.
- F. Enforcement Action; Penalties and Remedies
1. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
 2. All enforcement actions shall be undertaken in accord with §1216 - Violations and §1217 - Penalties and Remedies.

- G. Records - The Floodplain Administrator shall maintain all records associated with the requirements of this Article including, but not limited to, permitting, inspection and enforcement.
- H. Construction Codes - The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

1403.4 Application Procedures and Requirements

Applications shall be made in accord with §1202 of this Ordinance and in addition to the other information required by §1202.3, applications for any proposed construction or development located entirely or partially within any identified floodplain area shall include the following:

- A. Application for such a permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township. Such application shall contain the following:
1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location including address and tax parcel number.
 5. Listing of other permits required.
 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
 7. A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 3. adequate drainage is provided so as to reduce exposure to flood hazards.
 4. structures will be anchored to prevent floatation, collapse, or lateral movement.
 5. building materials are flood-resistant.
 6. appropriate practices that minimize flood damage have been used.
 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.

- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
 4. The following data and documentation:
 - a. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood; and
 - b. detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - c. documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within any AE Area/District (See §1404.2B) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point.
 - d. a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation.

Such statement shall include a description of the type and extent of flood proofing measures that have been incorporated into the design of the structure and/or the development.

- e. detailed information needed to determine compliance with §1405.3F., Storage, and §1405.4, Development Which May Endanger Human Life, including:
 - (1) the amount, location and purpose of any materials or substances referred to in §1405.3F and §1405.4 which are intended to be used, produced, stored or otherwise maintained on site.
 - (2) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §1405.4 during a base flood.
 - f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
- D. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.

1403.5 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

1404 Identification of Floodplain Areas

1404.1 Identification

The identified floodplain area shall be any areas of the Township of Tunkhannock, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated August 2, 2012, and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township and declared to be a part of this Ordinance.

1404.2 Description and Special Requirements of Identified Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. Floodway Area/District - The Floodway Area/District Identified as Floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS.
 - 1. Within any floodway area, encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the

occurrence of the base flood discharge.

2. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.

B. AE Area/District without Floodway - The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.

1. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE than one (1) foot at any point.

C. A Area/District - The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

1404.3 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

1404.4 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

1405 Technical Provisions

1405.1 General

A. Alteration or Relocation of Watercourse

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of

Environmental Protection Regional Office.

2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- B. Data - Technical or scientific data shall be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but within six (6) months of any new construction, development, or other activity resulting in changes in the BFE. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:
1. Any development that causes a rise in the base flood elevations within the floodway; or
 2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
 3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).
- C. Compliance - Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.
- D. Within any Identified Floodplain Area (See §1404.2), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless in compliance with §704.4 and a permit is obtained from the Department of Environmental Protection Regional Office.

1405.2 Elevation and Floodproofing Requirements

A. Residential Structures

1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.
2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with §1404.2C.
3. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

B. Non-residential Structures

1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential

structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:

- a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
2. In A Zones, where there are no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with §1404.2C.
 3. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 4. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.

C. Space below the Lowest Floor

1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- D. Accessory Structures - Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 100 square feet.
3. The structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - b. the bottom of all openings shall be no higher than one (1) foot above grade.
 - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

1405.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill - If fill is used, it shall:

1. extend laterally at least fifteen (15) feet beyond the building line from all points;
2. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
3. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
4. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
5. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff

onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.

D. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets - The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage - All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in §1405.4, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures - All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of

materials that are "water-resistant" and will withstand inundation.

4. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

J. Paints and Adhesives

1. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) used at or below the regulatory flood elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.

- L. Equipment - Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

- M. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

- N. Uniform Construction Code Coordination - The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Article, to the extent that they are more restrictive and/or supplement the requirements of this Article.

International Building Code (IBC) 2009 or the latest edition thereof:

Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or the latest edition thereof:

Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

1405.4 Development Which May Endanger Human Life

- A. Dangerous Materials Or Substances - In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other

comparable volume, of any of the following dangerous materials or substances on the premises; or,

3. will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- a. Acetone
- b. Ammonia
- c. Benzene
- d. Calcium carbide
- e. Carbon disulfide
- f. Celluloid
- g. Chlorine
- h. Hydrochloric acid
- i. Hydrocyanic acid
- j. Magnesium
- k. Nitric acid and oxides of nitrogen
- l. Petroleum products (gasoline, fuel oil, etc.)
- m. Phosphorus
- n. Potassium
- o. Sodium
- p. Sulphur and sulphur products
- q. Pesticides (including insecticides, fungicides, and rodenticides)
- r. Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Floodway Area - Within any Floodway Area, any structure of the kind described in §1405.4A shall be prohibited.

- C. Floodplain Area - Where permitted within any floodplain area, any new or substantially improved structure of the kind described in §1405.4A shall be:

1. elevated or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation,
2. designed to prevent pollution from the structure or activity during the course of a base flood.

Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

- D. Setback - Within any floodplain area, any new or substantially improved structure of the kind described in §1405.4A shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse. (See also §704.4.)

1405.5 Special Requirements for Subdivisions

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is

the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

1405.6 Special Requirements for Manufactured Homes

- A. Prohibition - Within any FW (Floodway Area), manufactured homes shall be prohibited.
- B. Setback - Within any A Area/District or AE Area/District, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse. (See also §704.4.)
- C. Standards - Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - 1. placed on a permanent foundation.
 - 2. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation.
 - 3. anchored to resist flotation, collapse, or lateral movement.
- D. Installation Specifications - Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.
- E. Construction Code - Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

1405.7 Special Requirements for Recreational Vehicles

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- A. be on the site for fewer than 180 consecutive days,
- B. be fully licensed and ready for highway use, or
- C. meet the permit requirements for manufactured homes in §1405.6.

1406 Prohibited Activities

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area.

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

1. Hospitals
 2. nursing homes
 3. jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

1407 Existing Structures in Identified Floodplain Areas

1407.1 Existing Structures

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure the provisions of §1407.2 shall apply.

1407.2 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodplain area that would cause any increase in the BFE.
- B. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Article.
- C. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- E. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of "repetitive loss" shall be undertaken only in full compliance with the provisions of this Article.

1408 Variances

If compliance with any of the requirements of this Article would result in an exceptional hardship to a prospective builder, developer or landowner, the Zoning Hearing Board may, upon written request in accord with §1207 of this Ordinance, grant relief from the strict application of the requirements. In addition to the requirements of §1207 the following shall apply:

- A. No variance shall be granted for any construction, development, use, or activity within any floodplain area that would cause any increase in the BFE.
- B. Except for a possible modification of the regulatory flood elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Prohibited

Activities (§1407) or to Development Which May Endanger Human Life (§1405.4).

- C. If granted, a variance shall involve only the least modification necessary to provide relief.
- D. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- E. Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - 1. The granting of the variance may result in increased premium rates for flood insurance.
 - 2. Such variances may increase the risks to life and property.
- F. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
 - 1. That there is good and sufficient cause.
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
 - 3. That the granting of the variance will
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- G. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.

1409 Definitions

In addition to the definitions included in Article III of this Ordinance, the following definitions shall apply to this Article. In cases where a definition appears in Article III and this §1409, the definition in this §1408 shall apply to this Article. Unless specifically defined below, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application.

- A. Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Base flood - a flood that has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
- C. Base flood elevation (BFE) - the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater

chance of being equaled or exceeded in any given year.

- D. Basement - any area of the building having its floor below ground level on all sides.
- E. Building - a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- F. Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- G. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- H. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- I. Flood - a temporary inundation of normally dry land areas.
- J. Flood Insurance Rate Map (FIRM) - the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- K. Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- L. Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
- M. Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- N. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- O. Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

- P. Historic structures – any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.
- Q. Lowest floor - the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Article.
- R. Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles that are placed on a site for more than 180 consecutive days.
- S. Manufactured home park or subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- T. Minor repair - the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- U. New construction - structures for which the start of construction commenced on or after the August 2, 2012 adopted by the community and includes any subsequent improvements to such structures. Any construction started after July 15, 1988 and before August 2, 2012 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- V. New manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

- W. Person - an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- X. Recreational vehicle - a vehicle which is
1. built on a single chassis;
 2. not more than 400 square feet, measured at the largest horizontal projections;
 3. designed to be self-propelled or permanently towable by a light-duty truck,
 4. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- Y. Regulatory flood elevation - the base flood elevation (BFE) plus a freeboard safety factor of one and one-half (1 ½) feet.
- Z. Repetitive loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
- AA. Special permit - a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
- BB. Special flood hazard area (SFHA) - means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
- CC. Start of construction - includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- DD. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above

ground, as well as a manufactured home.

EE. Subdivision - the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, 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 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

FF. Substantial damage - damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

GG. Substantial improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" or "repetitive loss" when a repetitive loss provision is used regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Article, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

HH. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

II. Violation - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**ARTICLE XV
ADOPTION**

This Ordinance ordained and enacted this ____ Day of _____, 2017, by the Board of Supervisors of Tunkhannock Township, Wyoming County, Pennsylvania, to be effective immediately.

Chairman

Supervisor

Supervisor

ATTEST:

Secretary