

Pine Creek Township

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ZONING ORDINANCE

DRAFT

ADOPTED
MARCH 3, 2021

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 what you are looking for.
- ➔ The **Table of Contents** should help you find the sections applicable to your situation.
- ➔ The **Zoning Map** shows all of the **Zoning Districts** in the Township. Each District is listed in the **Schedule of Uses** in Article 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 §27-176)
- ➔ The requirements for **Permit Applications** are found in §27-169 and §27-170.
- ➔ 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** -- two-family dwellings, multi-family dwellings, group homes, etc.
 - ⇒ Article VII includes **Performance Standards** for buffers, landscaping, noise, lighting, etc.
 - ⇒ 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 §27-175.
- ➔ 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 §27-143.
- ➔ 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 Township **Subdivision and Land Development Ordinance** (Chapter 22) will also apply. This Subdivision and Land Development Ordinance is separate from the Zoning Ordinance.
- ➔ **Fees** are set by Resolution of the Board of Supervisors per §27-171 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, or CONDITIONAL, ; or if a VARIANCE is required, and refers the application for appropriate action.

PRINCIPAL PERMITTED and ACCESSORY USES

Zoning Officer issues or denies permit based on ordinance standards

↓
Appeal to Zoning Hearing Board

CONDITIONAL USES

Planning Commission shall be given the opportunity to review the application

↓
Required public hearing by Board of Supervisors (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

↓
Board of Supervisors action to approve, approve with conditions*, or deny (45 days after last hearing)

↓
Notify applicant of decision and any conditions in writing* (delivered to applicant personally or mailed not later than the day following its date)

↓
Appeal to Court of Common Pleas

VARIANCES

Zoning Hearing Board may request Planning Commission to review the application

↓
Zoning Hearing Board reviews application for compliance with variance requirements

↓
Required public hearing by Zoning Hearing Board (hearing must be held within 60 days of Applicant's request; subsequent hearings within 45 days of prior hearing; hearing shall be completed within 100 days of completion of Applicant's case in chief)

↓
Zoning Hearing Board action to approve, approve with conditions*, or deny (written decision within 45 days of last hearing)

↓
Notify applicant of decision and any conditions in writing* (delivered to applicant personally or mailed not later than the day following its date)

↓
Appeal to Court of Common Pleas

THIS FLOWCHART 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, 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 Pine Creek Township, Clinton 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:

ADOPTION AND CONFLICT: The Pine Creek Township Zoning Ordinance of January 21, 1976, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This Zoning Ordinance is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of the Township of Pine Creek. If any other ordinance, code or regulation of the Township of Pine Creek is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

ARTICLE I GENERAL PROVISIONS

§27-1 Title and Short Title

- A. 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.
- B. Short Title. This chapter shall be known and may be cited as the "PINE CREEK TOWNSHIP ZONING ORDINANCE."

§27-2 Purpose

This chapter 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 chapter is enacted for the following purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- B. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 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 Township for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable
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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.

§27-3 Applicability

- A. 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 chapter may be continued.
- B. Conformance. Any activity regulated by this chapter shall only occur or be undertaken and be continued in conformance with the requirements of this chapter.
- C. Authorization. This chapter regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.
- D. Regulated Activities.
- (1) Any of the following activities or any other activity or matter regulated by this chapter shall only be undertaken after the required permit or approval has been obtained in full compliance with this chapter:
 - (a) Erection, construction, movement, placement or extension of a structure, building or regulated sign;
 - (b) Change in the type of use or expansion of the use of a structure or area of land; and/or,
 - (c) Creation of a lot or alteration of lot lines.
 - (2) 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 chapter 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 chapter.
 - (4) No setback or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- E. 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 chapter.
- F. 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:
- (1) Notify the Township by certified mail, return receipt requested, of its intention and shall provide the
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Township an opportunity to provide written comment on whether the proposed expansion of service within the Township is generally consistent with this chapter.

- (2) Comply with the other applicable requirements of §608.1 of the MPC.

G. Public Utility Commission.

- (1) This chapter 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.
- (2) 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.

§27-4 Interpretation

- A. Interpretation. In interpretation and application, the provisions of this chapter 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.

B. Conflict.

- (1) Defined Terms - If a use could be classified under more than one (1) defined term or use listed in an applicable Schedule of Uses of this chapter, the definition and applicable Schedule of Uses with the most restrictive standards and provisions shall apply.
- (2) Other Township Provisions.
 - (a) 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 chapter.
 - (b) Where this chapter 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 chapter 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 chapter 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 chapter impose a greater restriction, the
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requirements of this chapter 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 chapter, then such private provisions shall be operative and supplemental to these requirements.
- E. Specificity. Whenever any regulations pertaining to a specific use or activity under authority of this chapter 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 chapter, the greater or higher standards shall govern.
- F. Pennsylvania Municipalities Planning Code Amendments. The provisions of this chapter 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.

§27-5 Reserved

§27-6 Severability

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

§27-7 Effective Date

This chapter shall take effect five (5) days following adoption by the Pine Creek Township Board of Supervisors.

**ARTICLE II
COMMUNITY DEVELOPMENT OBJECTIVES**

§27-8 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 enable land use that capitalizes on economic potential and preserves the community's natural resources and rural character, in keeping with the Pennsylvania Wilds Design Guide for Community Character Stewardship.
- B. To provide for the preservation, protection, management and enhancement of Pine Creek Township's natural resources and environmental qualities for present and future generations
- C. To encourage industrial development in proper and suitable locations so that land uses will complement one another and minimize dangers to environmental quality and community existence
- D. To provide sufficient recreational opportunities for residents to meet the needs of increasing leisure time and insure the proper handling of existing and future programs and facilities.
- E. To provide, in an economical and aesthetically beneficial manner, the various facilities and services necessary to meet the existing and future needs of the community in a way that is compatible with the natural and man-made environment.
- F. To protect existing agricultural land and ensure proper management of such lands, and to insure the maintenance of a rural atmosphere.
- G. To upgrade commercial services and establishments in the Central Business District enabling a more suitable condition for resident participation and encouragement of new development.
- H. To achieve the best use of land within the Township, ensuring that varying land uses will complement one another and thus improve the economic base and provide for increased aesthetic and cultural values.
- I. To eliminate traffic congestion and improve access to commercial and industrial locations and provide safer conditions for both pedestrian and vehicle operations.
- J. To encourage and promote the provisions of a wide-range and variety of decent, safe, and sanitary housing to meet the needs of all Township residents.

§27-9 Reserved

ARTICLE III DEFINITIONS

§27-10 Rules of Construction

The following rules of construction shall apply to this chapter:

- A. For this chapter, certain terms and words are herein defined. Whenever used in this chapter, 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 tense 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*.

§27-11 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: 978-1-4128-5504-4) 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 §27-12 are for illustrative purposes only and shall not be interpreted as having any effect on the meaning of the associated term.

§27-12 Definitions

For this chapter, the following words, terms, and phrases have the meaning herein indicated:

Abandon - To desert, surrender, forsake, or cede. To relinquish or give up with intent of never again resuming one's right or interest. To give up or cease to use. To give up absolutely; to forsake entirely; to renounce utterly; to relinquish all connection with or concern in; to desert. It includes the intention and the external act by which it is carried into effect.

Abused Person Shelter - See *domestic violence* shelter.

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 or Access Point - One (1) combined entrance/exit or one (1) clearly defined entrance, or one (1) 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.

Accessory Structure (includes Accessory Building) - A structure serving a purpose customarily incidental to and

subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include, but are not limited to, a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An *accessory building* is any accessory structure that meets the definition of a *building*. A portion of a principal building used for an accessory use shall not be considered an accessory building.

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

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

Adjacent - Two (2) or more lots that share a common lot line.

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

Additional definitions associated with *adult business* include:

- A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images of five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of *specified sexual activities* or *specified anatomical areas*. An *adult arcade* shall be considered an *adult business* for regulation by this ordinance.
 - B. Adult Bookstore or Adult Video Store: A commercial establishment which, as one (1) of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of
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consideration, any one (1) or more of the following:

1. 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
2. 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 (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *specified sexual activities* or *specified anatomical areas*.

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

- C. Adult Live Entertainment Use or Facility: A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:
1. Persons (which may include, but is not limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) appearing in a state of nudity; or,
 2. Live performances which are characterized by the exposure of specified anatomical areas or simulated or actual specified sexual activities; or,
 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

- D. Adult Motel: A hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration and 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*.
 2. Offers any sleeping room for rent three (3) or more times in one (1) calendar day.

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

- E. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified

anatomical areas. *An Adult motion picture theater shall be considered an adult business for this ordinance.*

- F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas. *An adult theater shall be considered an Adult Business for regulation by this ordinance.*
 - G. 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.
 - H. Escort Agency: A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip, or other consideration. *An escort agency shall be considered an adult business for regulation by this ordinance.*
 - I. 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.
 - J. Massage Parlor: A person or business association or establishment which furnishes, offers to furnish or advertises to furnish as one (1) of its primary business purposes for a fee, tip or other consideration, a massage which involves the exposure of *any specified anatomical areas*. *A massage parlor shall be considered an adult business for regulation by this ordinance.*
 - K. Nude Model Studio: Any place, which is not excepted by §73C (17), where a person who appears in a state of nudity or displays *specified anatomical areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. *A nude model studio shall be considered an adult business for regulation by this ordinance.*
 - L. 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.
 - M. 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*.
 - N. Sexual Encounter Center: A business or commercial enterprise that, as one (1) 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 one (1) or more of the persons is in a state of nudity or semi-nude. *A sexual encounter center shall be considered an adult business for regulation by this ordinance.*
 - O. Specified Anatomical Areas: Any of the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola.
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2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

P. Specified Sexual Activities: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Excretory functions as part of or in connection with any of the activities set forth in 1, 2 and 3, above.

Agent - Any person other than the owner who, acting for the owner, applies for the purpose of obtaining approval in accordance with this chapter.

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 (woodland) 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 except as accommodated by the Pennsylvania Agriculture, Communities, and Rural Environment Act (ACRE); riding academies, livery or boarding stables and dog or other animal kennels.

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

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

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

Alley - A right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties and not intended for general traffic circulation.

Alterations - As applied to a building or structure, means 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 the one (1) location or position to another.

Alterations, Structural - Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Amendment - A change in the regulations or district boundaries or classifications of property established by this chapter and according to procedures provided by law and exercised by the Board of Supervisors. (See also *curative amendment* and *curative amendment, municipal*.)

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 such devices which are accessory to a resort or less than five (5) such devices accessory to any lawful principal use.

Amusement Park - A commercially operated park or facility with various devices for entertainment primarily including, but not limited to, rides (e.g., roller coasters, water slides, fun houses, Ferris wheels), games, electronic games and similar devices, food stands and other associated facilities.

Animal Hospital – See *veterinary clinic*.

Animal Equivalent Unit (AEU): One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual numbers of individual animals comprising the unit. (See the PA Nutrient Management Act, Penn State Extension Agronomy Facts #54, or other associated agriculture industry guidance documents for a listing of Standard Animal Weights, which may be revised from time to time).

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

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

Animal Kennel – See *kennel*.

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*.

Appeal - A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of Article XII.

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 chapter.

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

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 chapter. Considered a *recreation facility, commercial* for regulation by this chapter.

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.

Area, Building - See *building area*.

Area, Lot - See *lot area*.

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 fifty-five (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.

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.

Barn - A relatively large building associated with an agricultural operation used for the storage of farm products or feed or for the housing of farm animals or farm equipment.

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 chapter.

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

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 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 Pine Creek Township, Clinton County, Pennsylvania.

Brew Pub - A *restaurant* that includes as an accessory use the brewing of malt beverages of alcoholic and/or non-alcoholic content primarily intended for sale or consumption on the premises. Considered a *restaurant* for regulation by this chapter.

Brewery - A facility for the production and packaging of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution off the premises. Considered *agricultural products processing* for regulation by this chapter. (See also *brew pub*.)

Buffer - A strip of land with fencing, dense vegetative planting, additional setback distances, berms or a combination thereof that separates one (1) 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.

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 Area - The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, including uncovered porches, terraces, and steps.

Building, Attached - A building which has one (1) or more walls or portions thereof in common with an adjacent building. See *addition*.

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

Building Envelope - An area on a lot 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 vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line - The line of a structure or building existing at the effective date of this chapter or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line or street right-of-way line.

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

Bus, Limousine or Taxi Terminal - An area and/or building where buses, limousines, and or taxis 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 (1) 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.

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

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

Camp/Retreat - A parcel or parcels of land with lodging units where transient clientele or members of an organized club 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 is not be used for long term residency of occupants.

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

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

Cartway - The portion of a street or alley which is improved by surfacing with permanent or semi-permanent material and is intended for vehicular traffic; and includes traveled lanes and on-street parking spaces, but excludes shoulders, curbs, sidewalks, and drainage swales.

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*.

Cellar - A story partly underground and having more than one-half (0.5) of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. See also *basement*.

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

Center Line, Cartway/Street - A line located exactly in the center of the width of the traveled portion or cartway of the easement, road or street.

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

Change of Use - Any conversion of a use from one (1) use as regulated by this chapter 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 street intersections defined by the right-of-way lines of the streets and by a line of sight between points on the street right-of-way lines at a given distance from the intersection of the right-of-way lines.

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

Commercial Vehicle - A truck with a gross or combined vehicle weight of 26,001 pounds or more. Classified by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S. §1916) as a truck of Weight Class 9 or greater.

Commission - The Planning Commission of Pine Creek Township, Clinton County, Pennsylvania.

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

Common Open Space – See *open space*.

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.

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 dwelling uses.

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.

Concentrated Animal Feeding Operation (CAFO) - A concentrated animal operation with greater than 300 Animal Equivalent Units (AEUs); any agricultural operation with greater than 1,000 AEUs; or any agricultural operation defined as a large CAFO under the United States Code, Title 40 CFR 122.23 (relating to concentrated animal feeding operations). See also §27-100.

Concentrated Animal Operation (CAO) - An agricultural operation with eight (8) or more animal equivalent units (AEUs) where the animal density exceeds two (2) AEUs per acre of land available for manure application on an annualized basis. See also §27-100.

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 chapter.

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

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

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

Convenience Store - A 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.

Conventional Design Development - A subdivision or land development designed at the required dwelling unit density where individual lot reduction is not permitted.

Corral - An enclosure for confining livestock and which is typically attached to or situated close 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 or commercial business 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 operate for profit.

County - The County of Clinton, Commonwealth of Pennsylvania.

County Planning Commission - The Planning Commission of Clinton County, Pennsylvania.

Court - An unoccupied open space, other than a yard, on the lot with a building, which is bounded on two (2) or more sides by the walls of such building.

Court, Inner - A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, Outer - A court enclosed on not more than three (3) sides by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley or yard.

Coverage, Lot - See *lot coverage*.

Crawl Space - An enclosed portion of a building or an open pier area not exceeding six (6) feet in height from floor to ceiling, located below the first occupied floor of a building and not used for business or dwelling purposes. A crawl space shall not be counted as a story for the purpose of building height measurement or determining the gross floor area of a building.

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

Crop Production - A *farm* involving the raising of cultivated plants, trees, or agricultural produce such as grain, vegetables, silage, or fruit. The definition excludes *greenhouses, wholesale* as defined by this chapter.

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 chapter.

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 permits 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 its own zoning ordinance.

Day-Care Center - A facility which cares for seven (7) 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 (6) 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.

DBH (Diameter at Breast Height) - The diameter of a tree trunk(s) measured at a point four and one-half (4.5) feet above ground level at the base of the tree.

Decision - A final adjudication of any board or other body granted jurisdiction under this chapter 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 (6) 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 chapter or applications hereunder, which has that authority as stated in various parts of this chapter, but not including decisions made by the Board of Supervisors or the Zoning Hearing Board. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

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

Development Improvements - See *improvements*.

Development Plan - A proposed development, prepared in accordance with this chapter and Chapter 22 (Subdivision and Land Development), 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 – The Pennsylvania Department of Environmental Protection and its relevant bureaus.

Distillery - A facility for the production and packaging of alcoholic liquor for retail and/or wholesale distribution off the premises and licensed as such by the Commonwealth of Pennsylvania. Considered *agricultural products processing* for the purposes of this chapter. (See also *distillery pub*.)

Distillery Pub - A type of *restaurant* that includes as an accessory use the distilling of liquor primarily intended for consumption or sale on the premises. Considered a *restaurant* for regulation by this chapter.

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 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 chapter.

Dock - A landing platform for boats and similar watercraft intended only for pedestrian use in entering and exiting such boats and similar watercraft.

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

Dormitory - A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use which is owned by and is

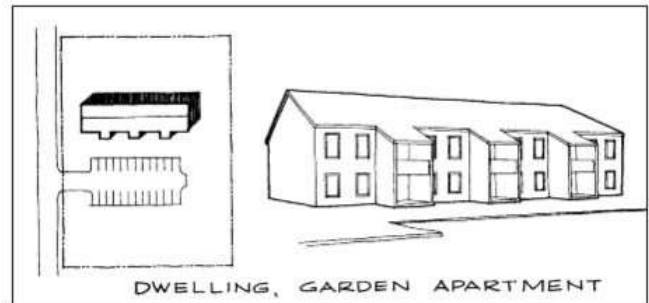
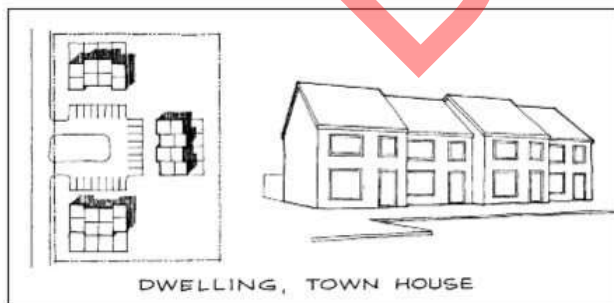
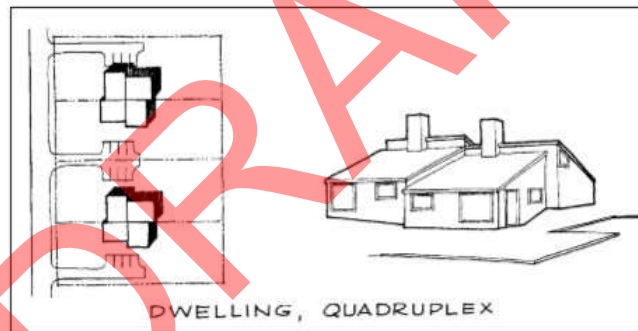
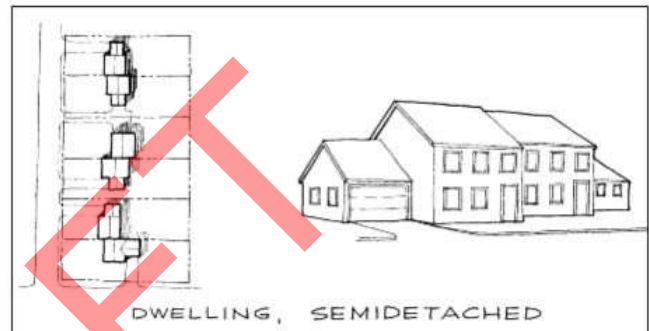
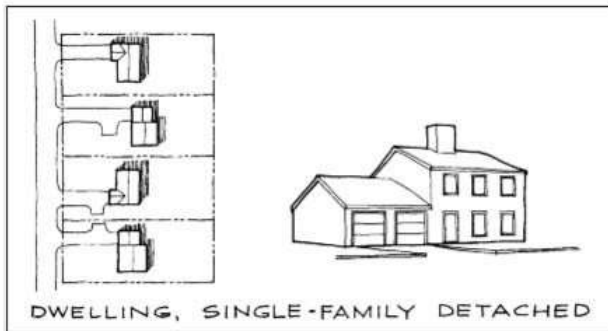
located on the same parcel as the institution it serves.

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

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

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

Dump - See *solid waste landfill*.



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

Dwelling, Apartment Unit - One (1) or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units, or a dwelling unit located on the upper floors of a nonresidential building.

Dwelling, Multi-Family - A building designed for occupancy by three (3) or more families living independently of

each other in separate dwelling units. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. Apartment Building - A multi-family dwelling structure, originally designed as such, containing three (3) 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 chapter.
- B. Garden Apartment Building - A multi-family dwelling structure, originally designed as such, containing three (3) to ten (10) 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 (1) on top of another.
- D. Quadraplex - 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.
- E. 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 (1) or more vertical common fire-resistant walls.
- 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 using a vertical party wall and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

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 but not including a *short-term rental unit* as defined in this Article 3. 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 - A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Easement - Interest in land owned by another person or the public, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

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

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 (1) time, other than clearly temporary and

occasional persons working on physical improvements to the site.

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

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 chapter shall not be considered essential services. For essential services requiring enclosure in a building see *semi-public building or use*.

Event Barn - A barn in existence as of the effective date of this Ordinance which provides a formal setting for special occasions such as weddings, bar/bat mitzvahs, family reunions, corporate award ceremonies, charitable benefits, and other special events, and which may provide food service for event attendees.

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 chapter.

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. Considered *industry* for regulation by this chapter.

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 (1) 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. The residents of a *group home* meeting the requirements of §27-54.
- E. Not more than eight (8) people who are granted a conditional use as a single housekeeping unit (a *functional family*) pursuant to §27-55.

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 because of criminal offenses.

Farm - Any parcel of land which is used for commercial animal husbandry, crop production or gain in the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

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

Farmers 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 - Any combination of materials which is placed or arranged as a line of demarcation between lots and/or to enclose a lot or a part of a lot.

- A. Fabricated Materials Fence - Any structure or wall, regardless of composition of material, except for a natural living fence, which is constructed and installed to act as a visual barrier, a physical outdoor barrier, or as a line of demarcation between lots.
- B. Natural Living Fence - A barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered to be a fence if fifty percent (50.00%) or more of the horizontal dimension of such materials or growth provides a visual screen or obstruction to vision.

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

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 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. Considered *industry* for regulation by this chapter.

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 chapter.

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.

Financial Institution – See *bank*.

Flood (and related definitions) – See the Township's Effective Floodplain Management Ordinance.

Floor Area, Building - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of porches and terraces. All dimensions shall be measured between exterior faces of walls.

Floor Area, Habitable - The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closet, nor unheated areas such as enclosed porches, nor rooms without at least one (1) window or skylight opening onto an outside yard, or court.

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

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

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

- A. Embalming and the performance of other services used in preparation of the dead for burial.
 - B. The performance of autopsies and other surgical procedures.
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- 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 chapter, 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, lawn, garage, tag or estate 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 chapter.

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 standalone 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 chapter.

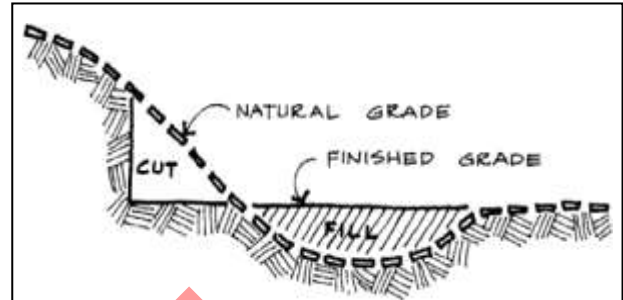
Golf Driving Range - A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. Considered a *recreation facility, commercial* for

regulation by this chapter.

Governing Body - The Board of Supervisors of Pine Creek Township.

Grade – The degree of rise of a sloping surface.

- A. Grade, Finished - The final elevation of the ground surface after development.
- B. Grade, Natural - The elevation of the ground level in its natural state before construction, filling, or excavation.
- C. Grade, Street - The elevation of the centerline of an existing or proposed street, the percentage of slope.



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 chapter.

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 the following criteria:

- A. Involves the care of the maximum number of persons permitted by the *group home* standards of §27-54 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.

*NOTE: As of 1992, the Federal Fair Housing Act Defined *Handicap* as follows: 1) a physical or mental impairment which substantially limits one (1) 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 §27-54.

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

Hardship - As related to a variance, see §27-175.

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 (1) or more of the following lists:

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

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

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

Hedgerow - A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, and may occur naturally or be specially planted (e.g. windbreak).

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 Gardening - The cultivation of herbs, fruits, flowers or vegetables for personal use on a piece of ground adjoining the dwelling, excluding the keeping of livestock.

Home Occupation - A business, profession, occupation, or trade of a service nature conducted for gain or support and located entirely within a residential building, or a structure accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

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 (2) weeks or less and not intended to be used as a residence) lodging accommodations to the general public, typically based on daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

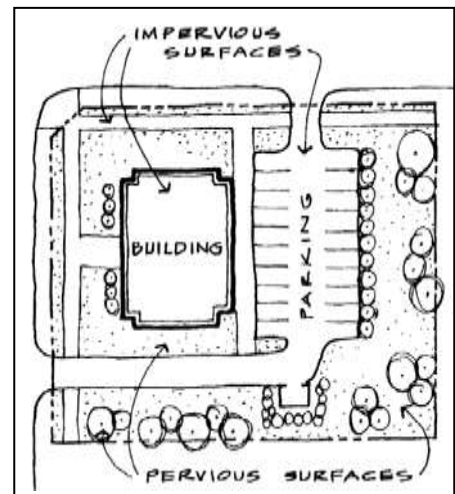
Household - A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit. See *family*.

Hub Height - The distance measured from the surface of the tower's foundation to the height of the wind turbine hub to which the blade is attached.

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

Impervious Surface - Hard ground cover that prevents or retards the entry of water into the soil and increases runoff, such as asphalt, concrete, rooftops, etc.

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.



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. Pretreatment facilities located on the site of the facility prior to transport to the off-site industrial wastewater facility are not included in this definition.

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, dry cleaning plants, 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.

Institutional Use - A nonprofit, religious, or public use, such as a religious building, library; public or private school, hospital, or government-owned or government-operated building, structure, or land used for public purpose.

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. Manufactured homes that are not in habitable condition except as an approve accessory structure; 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 chapter, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

Junk Accumulation – See Chapter 10 (Health and Safety), Part 2 (Garbage/Junk/Junk Car Accumulations).

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 chapter, 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 chapter shall not be considered junk yards.

Junked Vehicle - Any motor vehicle which presents a hazard or danger to the public or is a public nuisance by its

state or condition of disrepair as defined by Chapter 10 (Health and Safety), Part 2 (Garbage/Junk/Junk Car Accumulations).

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 four (4) domestic dogs or domestic cats that are more than six (6) months of age.

Lake or Pond – A natural or artificial body of water one (1) acre or larger which retains water year-round. Artificial ponds may be created by dams or result from excavation.

Land Development - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. One (1) or more nonresidential buildings, whether proposed initially or cumulatively, on a lot or lots regardless of the number of occupants or tenure; or,
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The definition of land development shall not include the following:
 1. 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.
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

Landfill - See *solid waste facility*.

Landowner -The legal and/or equitable 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 authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

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

Lighting -

- A. Diffused - The light passes from the source through a translucent cover or shade.
- B. Direct or Flood – The light source is visible, and the light is distributed directly from it to the object to be illuminated.
- C. Indirect - The light source is entirely hidden, and the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

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.

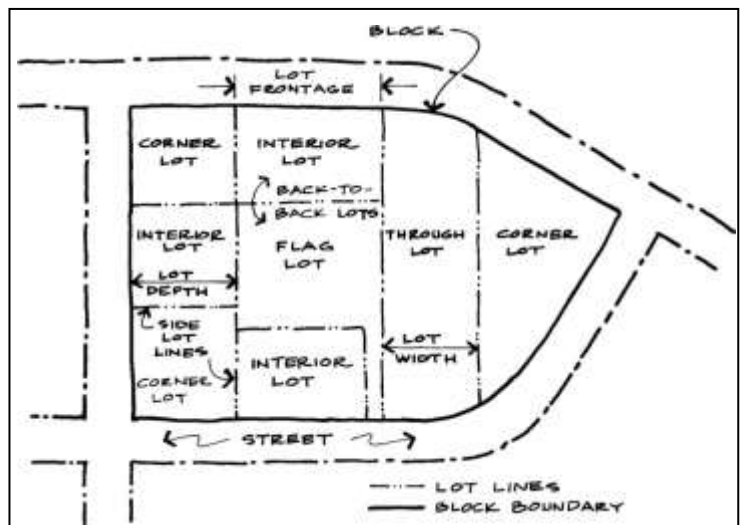
Lodge – See *club/lodge, private*.

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

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

Lot, Corner - A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Existing of Record - Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds. (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) side lines 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 (1) of the streets.

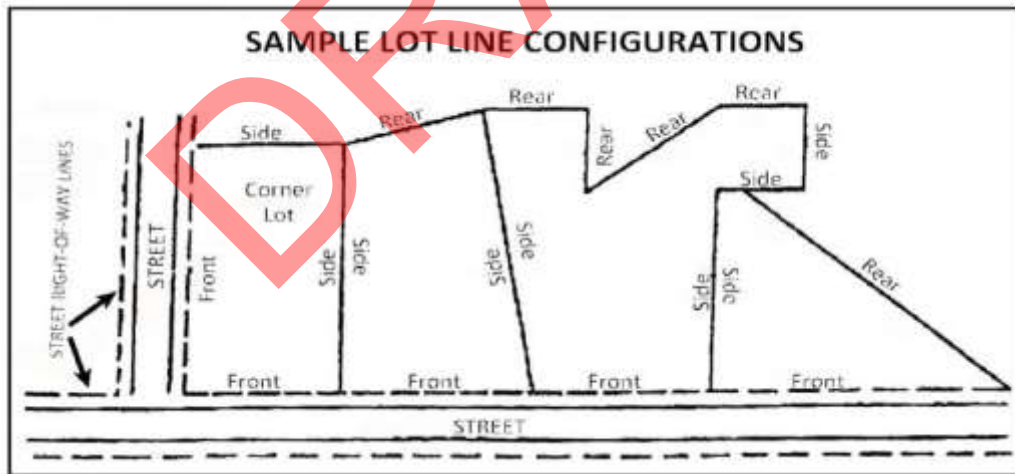
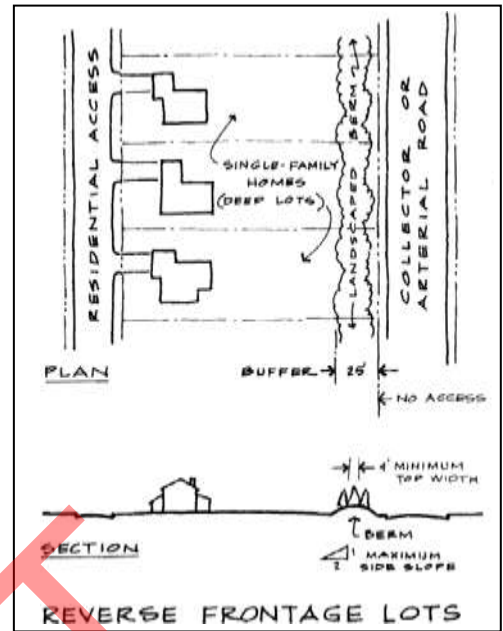
Lot, Through - A lot that fronts on two (2) parallel streets or that fronts on two (2) streets that do not intersect at the boundaries of the lot.

Lot Area - The total area within the property or lot lines. The term includes *area of land, land area, lot size, parcel area, parcel size, tract area* and any similar terms.

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

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

Lot Frontage - The horizontal distance between side lot lines at their foremost points (where they intersect with the street right-of-way line).



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

- A. Lot Line, Front - The lot line(s) separating the lot from any street. For all lots along lake shores, the front lot line shall be that line along the road. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.
- B. Lot Line, Rear - The lot line(s) most distant from and most parallel to the front lot line.

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

Lot Width - The distance between the straight lines connecting front and rear lot lines at each side of the lot, measured along the required front setback; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

Lumbering – See *forestry*.

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

Manufactured Home (Mobile Home) - A transportable, single family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) 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.

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

Manufactured 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 manufactured home lots for the placement thereon of manufactured homes.

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. Textile and clothing manufacturing.
- C. Furniture or other wood products production.
- D. Printing, publishing and binding plants

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. (See also *massage parlor* listed under *adult business*.)

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

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

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, possibly culminating in a written agreement which the parties themselves create and consider acceptable.

Medical Clinic - An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients require a stay of less than twenty-four (24) hours.

Medical Marijuana - Marijuana for certified medical use in accord with the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

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 Pennsylvania Department of Health to dispense medical marijuana in accord with the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

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 issued by the Pennsylvania Department of Health to grow and process medical marijuana in accord with the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

Medical Marijuana Research Organization - A health delivery system in which the complete spectrum of care, including primary and specialty care, hospitalization and pharmaceutical care, is provided within a single organization and which is approved by the Pennsylvania Department of Health to dispense medical marijuana or grow and process medical marijuana, or both, in accord with a research study in accord with the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

Meeting, Assembly, or Banquet Facility - An establishment that provides a formal setting for special occasions such as weddings, bar/bat mitzvahs, family reunions, corporate award ceremonies, charitable benefits, and other special events, and which may provide food service for event attendees.

Menagerie-See Zoo or menagerie.

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

Mineral Extraction - The mining, removal or recovery by any means whatsoever (including, but not limited to, open excavations and quarries, subsurface mining and natural gas extraction) 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*.

Minimize - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

Mobile Food Service Operation - The preparation/cooking, serving and/or sale of food conducted from a portable stand, vehicle, trailer or temporary structure. Examples are food trucks and hotdog stands/carts. Such operations conducted as a temporary event by a public use or a semi-public use are not included and vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not included. As applied to a mobile food service operation, a temporary structure is a structure other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is used for retail sales or food service; the term includes temporary stands, tents, canopies and membrane structures.

Mobile Sales Operation - Retail sales from a portable stand, vehicle, trailer or temporary structure. Examples are furniture, rug, fireworks and produce sales. Such operations conducted as a temporary event by a public use or a semi-public use and vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to customers employed at the visited site are not included. As applied to a mobile sales operation, a temporary structure is a structure other than a permanent facility with fixed utility connections, which is in use or in place for a period of 20 consecutive calendar days or less and is used for retail sales or food service; the term includes temporary stands, tents, canopies and membrane structures.

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 limited to the sale of homes in the development in which the structure is located 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 lodging accommodations to the public, typically based on 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 – Pine Creek Township, Clinton County, Pennsylvania.

Natural Gas (and related Definitions) - See §27-117.

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

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

No-Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in

excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements as set forth in §107 of the Pennsylvania Municipalities Planning Code:

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

Nonconformity and Associated Definitions: See §27-134.

Nonprofit - Something owned, operated or supported by private individuals or a corporation, without seeking profit, for the use or benefit of the public or for some part of the public.

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 specific 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.

Official Zoning Map- The Official Zoning Map of Pine Creek Township, Clinton County, Pennsylvania.

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

Oil or Gas Well - See §27-117.

Oil and Gas Development - See §27-117.

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 chapter or Chapter 22 (Subdivision and Land Development).

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.

Parcel - See *lot*.

Parent Tract - Any lot or parcel of property which is legally in existence and properly on file with the County Recorder of Deeds 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 without a roof, 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.

Pawn Shop - A business which offers loans in exchange for personal property as equivalent collateral. If the loan is repaid in the contractually agreed time frame, the collateral may be repurchased at its initial price plus interest. If the loan cannot be repaid on time, the collateral may be liquidated by the shop. Considered a *retail establishment* for regulation by this chapter.

PennDOT - The Pennsylvania Department of Transportation.

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 chapter. 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.
- 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, potbellied pigs and miniature horses.

Pipelines and Associated Facilities - See §27-117.

Place of Worship - Buildings, synagogues, churches, temples, cathedrals, mosques, 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.

Plan or Plat - A map or drawing of a subdivision or land development, whether preliminary or final.

Planning Commission - The Planning Commission of Pine Creek Township, Clinton County, Pennsylvania.

Pond or Lake – See *Lake or pond*.

Porch - An attached, roofed accessory structure projecting from a wall of a building which may be open or screened and with solid walls no higher than three (3) feet above the floor level.

Poultry – See *small animals and fowl*.

Power Plant - See §27-117.

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

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

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

Principal Structure - The structure(s) 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.

Private - Something owned, operated and supported by private individuals or a corporation, rather than by government, and not available for public use.

Professional Office - The office of a member of a recognized profession, including, but not limited to, an accountant, architect, author, dentist, engineer, insurance agent, landscape architect, lawyer, minister, optometrist, planner, physician, or realtor.

Property Owners Association (POA) - A non-profit corporation organized by the developer or homeowners 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 - Something owned, operated, and supported by a government or government agency for the use or benefit of the general public.

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

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

Race Track-A Road course, either oval, circuitous or straight, or any exterior area, were motor vehicles

including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like, and remote-control vehicles are driven for recreation, testing or competition; or, any course where animals are raced for competition.

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

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

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

Recreation Facility, Commercial - Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including but not limited to picnic groves, 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 RV park*.

Recycling Facility - A facility employing a technology that is a process that separates or classifies municipal waste (as defined by PA Code Title 25, §271.1) and creates or recovers re-useable materials that can be sold to or reused by a manufacturer or any other end user of such materials as a substitute for or a supplement to virgin raw materials. The term does not include *solid waste facilities*, or a *resource recovery facility* as defined herein, 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*.

Report - Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Research Laboratories – A facility for investigation into the natural, physical or social sciences, which may

include engineering, testing and product development.

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, vacation rental units, 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, but not including *bed and breakfast establishments, campgrounds, recreational vehicle parks or manufactured home parks*. Accessory amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, health centers, day care centers, facilities for commercial special events, and employee living quarters.

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

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

Resources, Primary - See *conservation area, primary*.

Resources, Secondary - See *conservation area, primary*.

Restaurant - An establishment where food and/or beverages 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*.

Retail Business - An establishment engaged in selling goods or merchandise to the public for personal or household consumption, and rendering services incidental to the sale of such goods that do not include any manufacturing and/or processing 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. Any such establishment where the storage of fuel on the site exceeds a combined total of twenty-thousand (20,000) gallons shall be considered a *bulk fuel storage facility*.

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

Right-of-Way –

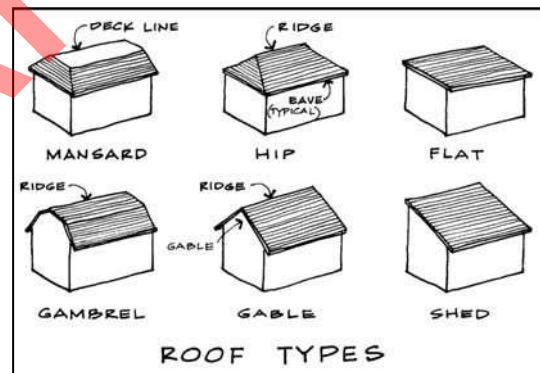
- A. A specific type of easement being limited to use for passage over another person's land; for example, an easement for vehicular passage or public utility passage; or
- B. A strip of land acquired by reservation, dedication, prescription, or condemnation which is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water lines, sanitary sewer or storm sewer lines or other similar use.

Roof - The outside top covering of a building.

Rooming House - See *boarding house*.

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.



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

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

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

Secondary Resources - See *resources, secondary*.

Self-Storage Facility - A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time and which may include outdoor vehicle storage if approved by the Township.

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, copying centers, photographic studios, etc., and which is not otherwise listed as a use in the Schedule of Uses.

Services, Essential – See *essential services*.

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*. (See accompanying illustrations.)

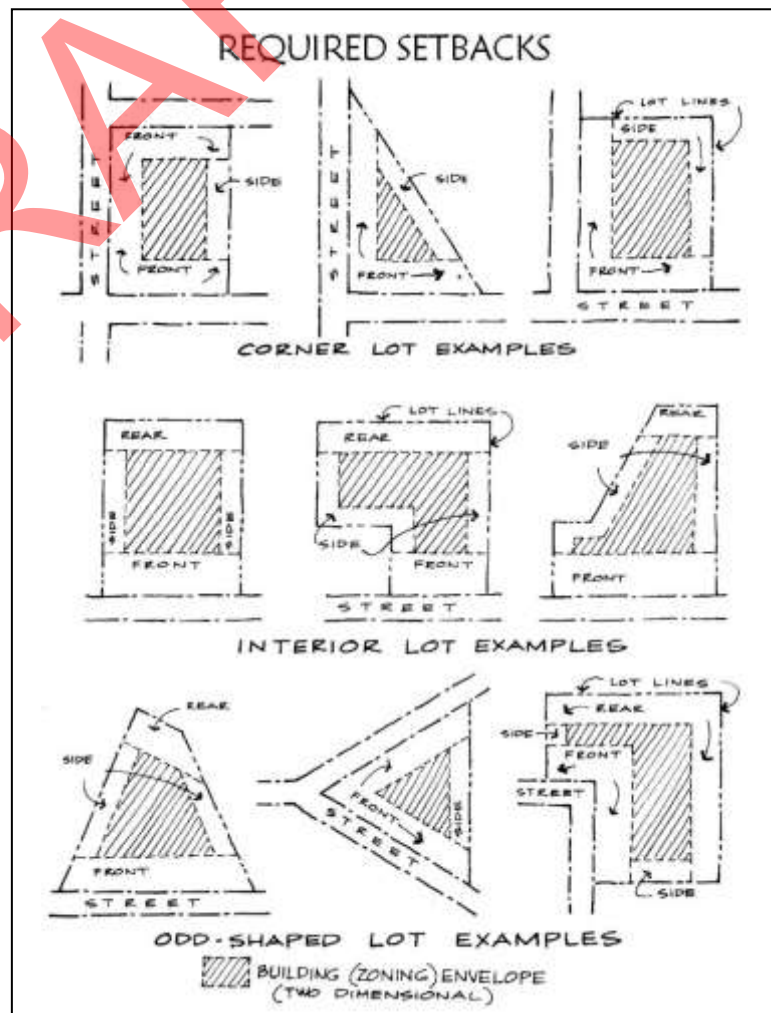
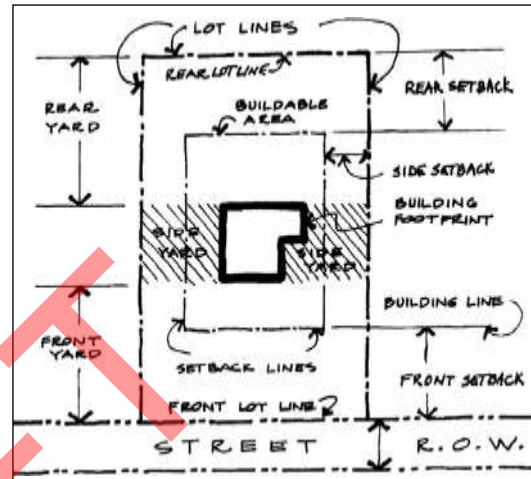
Setback, Required - The required minimum open space between the principal structure(s), accessory structures, or other improvements and the nearest lot line or right-of-way as provided by this chapter. See also *yard* and *lot line*.

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, 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*.

Sewage Disposal, Central, Off-Site or Community - A PA DEP-approved 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-Lot - A PA DEP-approved 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.

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 PA DEP Rules and Regulations involving an effluent discharge to surface waters or to a soil-based or other treatment system.

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

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 chapter.

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

Short Term Rental Unit - Any single-family dwelling unit, two-family dwelling unit, or multi-family dwelling unit which is rented for transient use usually for periods of thirty (30) consecutive days or less, typically, but not exclusively, for use by tourists or nonresident individuals temporarily employed in the area.

Sign (and related definitions) - See Article XI.

Slaughterhouse - An agricultural products processing use involving the killing of animals to produce 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 slaughterhouse. *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 involving the management, processing and/or disposal of solid waste including, but not limited to, landfills, transfer facilities and incinerators. The term does not include a *composting facility*, a *recycling facility*, or a *resource recovery 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 *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.

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.

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

State - The Commonwealth of Pennsylvania and its agencies.

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

Storage Yard for Forest Products or 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.

Story - As defined by the Pennsylvania Uniform Construction Code.

Story, Half - As defined by the Pennsylvania Uniform Construction Code.

Stream - A natural watercourse. See *watercourse*.

Street - A public or private thoroughfare, including the entire right-of-way, which affords the principal means of vehicular access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

Street Center Line – See *center line, street*.

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 – A structure the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable – A structure that is not permanently affixed to the ground but is designed to be moved from place to place.

Structural Alteration - See *alteration*.

Studio - An establishment or workspace for the creation, manufacture, and/or preparation of individually crafted artwork, 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.

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 Chapter 22 (Subdivision and Land Development) for details.]

Subdivision Ordinance or Subdivision and Land Development Ordinance – The Pine Creek Township Subdivision and Land Development Ordinance, as amended. [See Chapter 22 (Subdivision and Land Development).]

Supervisors - The Board of Supervisors of Pine Creek Township.

Swimming Pool - A body of water or receptacle for water having a depth at any point greater than two (2) 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 chapter.)

- 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 chapter.

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

Temporary Use - The use of land or structure or building located on a lot for a limited time as regulated by this chapter.

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

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

Township - The Township of Pine Creek, Clinton County, Pennsylvania.

Township Buildings and Uses - Any building, structure, service or use under the jurisdiction of Pine Creek Township, Clinton County, Pennsylvania.

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

Transient Use: Occupancy of a dwelling unit by two (2) or more families or groups for less than thirty (30) consecutive days at separate times over the course of a year; not including unrelated individuals who may be temporarily staying at the location as guests of the principal occupant for no type of compensation.

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.

Travel Trailer – See *recreational vehicle*.

Travel way - The portion of the cartway used for normal movement of vehicles.

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.

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

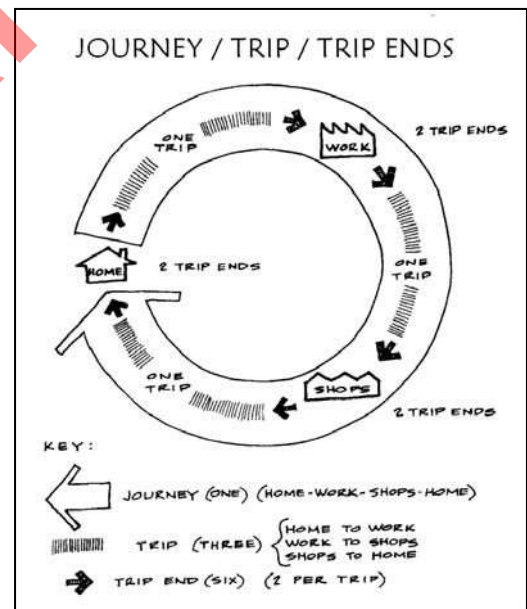
Truck Stop - See *travel plaza*.

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.

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

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 chapter 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 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 chapter.

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; manufactured homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use.

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*.

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 chapter.

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-Lot or 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, but not including dry hydrants used by a fire company.

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

Wedding Barn: See *event barn*.

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 Conversion System (WECS) - A device that is intended to convert wind energy to mechanical or electrical energy. The term *WECS* shall be used interchangeably with the terms *wind turbine* or *windmill* with said terms having the same meaning as a wind energy conversion system.

Wind Energy Facility - An electric generation facility whose purpose is to supply electricity, consisting of one (1) or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and appurtenant structures and facilities. The term does not include stand-alone wind turbines or wind energy conversion systems as defined in this chapter which are constructed primarily for residential or agricultural use.

Wind Turbine - The blades, plus the hub to which the blades are attached, that are used to capture wind for energy conversion. The wind turbine is mounted on a pole or tower or other suitable structure along with other generating and electrical 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 chapter.

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*.

Wireless Communications Facility: Any structure or equipment which is intended for commercial or governmental use in transmitting or receiving television, radio, telephone or other electronic communications, including internal or agency communications, and any such facility in a public right-of-way or not in a public right-of-way.

The definition does not include 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 watercraft.
- 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.

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

Wireless Communications Facility Support Tower Structure: Any pole, telescoping mast, tower, tripod, or any other structure which is constructed to supports a wireless communications antenna array.

Wireless Communications Facility Antenna Array: One (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (rod), directional antennas (panel) and parabolic antennas (disc). The antenna array does not include the wireless communications facility support structure or tower as defined herein.

Wireless Communications Facility, Stealth Design: Any wireless communication facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened and/or landscaped antenna arrays, equipment facilities and support structures designed to look similar to a support structure, such as a light pole, power pole, or component of a building or a tree.

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 chapter.

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 chapter.

Zoning Hearing Board - The Zoning Hearing Board of Pine Creek Township.

Zoning Map - The officially adopted Zoning Map of Pine Creek Township containing zoning districts, together with all amendments subsequently adopted.

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

Zoning Ordinance - The Pine Creek Township Zoning Ordinance, as amended (Chapter 27).

Zoning Permit - See *permit*.

Zoo or 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.

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**ARTICLE IV
DISTRICT REGULATIONS**

§27-13 Designation of Districts

- A. Designation. For the purposes of this chapter, Pine Creek Township is hereby divided into the following Zoning Districts:

A-R Agricultural - Rural
R-1 Low Density Residential
R-2 Medium Density Residential
R-3 Medium Density Residential
C-1 Commercial
I-1 Research and Development and Industrial
OS Open Space

- B. District Intent

- (1) A-R Agricultural - Rural District. The intent of the AR District is to identify those areas where agricultural activities should be encouraged or preserved; and to provide for the preservation of natural unpolluted drainage ways, protection from flooding, preservation of open space, and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.
 - (2) R-1 Low Density Residential District. The intent of the R-1 Low Density Residential District is to provide for the orderly expansion of low density residential development in those areas of the Township where essential public services are not provided nor are expected to be provided for a considerable period of time; and/or to provide for an area of low density which is an appropriate alternative from other areas of the Township, and to exclude uses not compatible with such low-density residential development.
 - (3) R-2 Medium Density Residential District. The intent of the R-2 Medium-Density Residential District is to provide for the orderly development of medium density residential areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development. It is also the intent of this district to permit medium density multi-family dwellings. This district is also intended to allow suitable space for manufactured home parks to locate in an appropriate manner within the Township.
 - (4) R-3 Medium Density Residential District. The purpose of the R-3 Medium-Density Residential District is to provide for the orderly development of medium-density residential areas where adequate public services and circulation facilities are or will be available; and to exclude those uses not compatible with such development.
 - (5) C-1 General Commercial District. The purpose of the C-1 General Commercial District is to provide and require a unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and open space, all planned and designed as an integrated unit, in a manner so as to provide and constitute an efficient, safe, convenient, and attractive shopping district.
 - (6) I-1 Research and Development and Industrial District. The intent of the I-1 Research and Development and Industrial District is to provide enough space in appropriate locations to meet the anticipated future needs for manufacturing and industrial activity with due allowance for the need for a choice of sites. It is
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further intended that performance standards will be applied to such operations to minimize effects on surrounding residential and farm areas.

- (7) OS Open Space District. The purpose of the OS -Open Space District is to provide for the preservation and conservation of the natural environment and natural resources while providing for such uses and development as are compatible with these objectives.
- C. Uses and Bulk and Density. The Schedule of Uses and Development Standards in §27-17 includes the uses permitted and bulk and density standards for each District.
- D. Floodplain Overlay District. The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one hundred (100)-year flood, as identified in the most current *Flood Insurance Study* and the accompanying *FIRM - Flood Insurance Rate Map* issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this chapter, the Township's effective Floodplain Management Ordinance shall apply in the Floodplain Overlay District. In the case of a conflict between this chapter and the Township's effective Floodplain Management Ordinance, the provisions of the Township's effective Floodplain Management Ordinance shall govern.

§27-14 Official Zoning Map

- A. Adoption. The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Pine Creek Township; which is hereby adopted by reference and declared to be a part of this chapter together with all amendments thereto. Overlay districts may be shown on supplemental information or maps as established by this chapter.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified by the PA Municipalities Planning Code.
- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or drafting errors or omissions require correction, the Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

§27-15 District Boundaries

- A. 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 Clinton County Recorder of Deed's Office and on the Clinton County Tax Maps at the time of the enactment of this chapter, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.
- B. Interpretation. Where district boundaries are shown:
- (1) to follow 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.
 - (2) to follow lot lines, such lot lines shall be construed to be said boundaries.

- (3) to be 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 using the scale shown on the Official Zoning Map.
 - (4) to follow a railroad line, such boundary shall be deemed to in the middle of the main tracks of said railroad line.
- C. Uncertainty. In the event of uncertainty as to the true location of a district boundary line in a specific instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this chapter. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.

§27-16 District Regulations

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

- A. Use Regulations. District Use Regulations are provided in the following Schedule of Uses and Development Standards in §27-17.

(1) Limitations

- (a) No land and no structure in a specific zoning district shall be used for any use which is not specifically listed for that specific district, and only in accord with all other requirements of this chapter. In other words, any use not allowed as a principal permitted use, accessory use, conditional use, or allowed by the Board of Supervisors in accord with §27-16B within a specific zoning district, shall be deemed to be prohibited within that zoning district.
- (b) If a use which could be included in a more general use is listed as a separate use in any district, such use shall be permitted only in the district where it is specifically listed.
- (c) Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provisions of this chapter.
- (d) The use of each lot shall be limited to one (1) principal use and accessory structures.

- (2) Principal Permitted Uses and Accessory Uses. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer provided such uses comply with the standards in this chapter.

- (3) Conditional Uses. Conditional uses are permitted uses which require individual consideration because of their special characteristics and are referred to the Planning Commission for review and preparation of a recommendation to the Board of Supervisors. Following a public hearing and based on its determination that the proposed use meets the standards of this chapter; the Board of Supervisors shall approve the issuance of a zoning permit by the Zoning Officer.

- B. Uses Not Specified in Schedule of Uses and Development Standards. This §27-16B addresses, by conditional use a proposed use which is not specifically listed in any of the zoning districts established under this chapter. The intent is to address the location of a use which was not anticipated by this chapter.

- (1) Jurisdiction. Whenever an application is made to the Zoning Officer for such a use, the application shall be submitted to the Board of Supervisors which shall have the authority to permit the use or deny the use as a conditional use.
- (2) Findings. The use may be permitted only if the Board of Supervisors makes all the following findings; and, the burden of proof shall be upon the applicant:
 - (a) The use is similar to and compatible with the uses listed for the subject zoning district.
 - (b) The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this chapter.
 - (c) The use is not permitted in any other zoning district in the Township.
- (3) Planning Commission Review. At the time the application is submitted to the Board of Supervisors, the Zoning Officer shall also provide a copy to the Township Planning Commission for review and recommendation. The Board of Supervisors shall not conduct a public hearing on the application until thirty (30) days have passed from the time the application was referred to the Township Planning Commission.
- (4) Conditions. The Board of Supervisors may attach reasonable conditions and safeguards to any conditional use approval granted for a use not specified in the Schedule of Uses and Development Standards, incorporating standards in this chapter for similar uses in the district and such other conditions as the Board of Supervisors may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.

C. Development Standards. The Schedule of Uses and Schedule of Development Standards in §27-17 establishes minimum standards for lot area; lot depth, average lot width and front, side and rear setbacks; 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 chapter sections.

§27-17 Schedule of Uses and Schedule of Development Standards

A. Accessory Uses. (Processed by the Zoning Officer except for conditional uses as noted which are heard by the Board of Supervisors.)

(1) Accessory Uses in All Districts. The following accessory uses shall be permitted in all districts only in compliance with all applicable requirements of this chapter:

- Accessory use customary to approved use
- Bus shelter
- Carport
- Chickens, keeping on residential lot
- Daycare, home
- Deck
- Fence
- Garage, private
- Gazebo
- Greenhouse, plant private
- Guard house
- Home garden and home nursery
- Home occupation permitted by conditional use
- No impact home-based business
- Parking area accessory to approved use
- Patio

- Pets, keeping of
- Porch
- Satellite dish antenna or satellite antenna
- Shed
- Signs accessory to approved use
- Solar collector, accessory
- Swimming pool, private
- Unattended donation box (See Chapter 10)
- Wind energy conversion system, accessory
- Yard, lawn, garage, tag or estate sale

(2) Conditional Accessory Use in All Districts. The following accessory use shall be permitted as a conditional accessory use (Planning Commission/Board of Supervisors) in all districts only in compliance with all applicable requirements of this chapter:

- Pads owned, operated, and maintained by fire companies for the exclusive use by air ambulances to land on and take off from. The use of such pads by air ambulances shall be limited to periodic training activities conducted by fire company personnel and life flight services (defined as the transport via rotary-wing aircraft of a sick and/or injured individual who requires special medical attention from trained medical professionals during the flight). Such pads shall not be considered as heliports or helistops, and shall not be operated as such.

PLEASE NOTE THAT ITEMS (3) AND (4) BELOW WERE AUTOMATICALLY RE-NUMBERED WHEN ITEM (2) ABOVE WAS INSERTED IN THIS DOCUMENT

(3) Accessory Uses in A-R District. In addition to the accessory uses in §27-17A (1) the following additional uses shall be permitted in the A-R District:

- Agritourism permitted by conditional use
- Barn, silo, shed, and similar agricultural buildings
- Farm stand
- Retail sales of agricultural/forestry products produced and/or processed on the premises
- Retail sales of related products with an active agriculture/forestry use up to 5,000 sq. ft. building area
- Stable, private in association with a single-family detached dwelling

(4) Accessory Uses in OS District. In addition to the accessory uses in §27-17A (1) the following additional uses shall be permitted in the OS District:

- Stable, private in association with a single-family detached dwelling

B. A-R Agricultural - Rural District.

(1) Principal Permitted Uses. (Zoning Officer)

- Animal husbandry, commercial and necessary accessory structures
- Crop production and necessary accessory structures
- Dwelling, single-family detached
- Farmers market
- Forestry
- Grange halls or similar uses for purely noncommercial agricultural organizations
- Greenhouse, plant wholesale
- Group home
- Hunting/fishing club or camp
- Nursery, plant wholesale
- Place of worship
- Public Park or playground
- Shooting preserve
- Stable, commercial
- Veterinary clinic, indoor
- Veterinary clinic, outdoor facilities
- Winery, farm

RE-NUMBER THE FOLLOWING ITEMS 3 THROUGH 5 and ADJUST FORMATTING TO KEEP ALL CONDITIONAL USES ON THIS PAGE, AS WELL AS ANY SUBSEQUENT TEXT THAT WILL FIT ON THIS PAGE.

(2) Conditional Uses. (Planning Commission/Board of Supervisors)

- Agricultural products processing
- Airport
- Animal shelter
- Archery range, outdoor commercial
- Bed and breakfast inn
- Camp/retreat
- Campground or recreational vehicle park
- Composting facility
- Concentrated animal feeding operation (CAFO)
- Contractor shop or yard
- Correctional facility
- Cottage industry
- Country club
- Emergency services station
- Event bar

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- Golf course-
- Heliport
- Industry
- Junk yard
- Kennel
- Manufacturing, light
- Medical marijuana grower/processor
- Mineral extraction
- Oil and gas development
- Pipelines and associated facilities
- Public building or use (other than uses listed separately)
- Race track
- Research laboratory
- Resort
- Sawmill
- School, public or private, nursery, primary or secondary
- Self-storage facility
- Semi-public building or use (other than uses listed separately)
- Shooting range, outdoor commercial
- Short-term rental units
- Solar power generation, commercial
- Solid waste facility
- Staging area for equipment and material
- Storage yard for forest products and minerals
- Wind energy facility
- Wireless communication facilities

- (3) Prohibited Uses. Uses not specifically listed by this §27-17B shall not be permitted in the A-R District except as approved in accord with §27-16B.
- (4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

Minimum Required Lot Area.....	43,560 square feet (1 acre)
Minimum Lot Width at Required Setback Line	75 feet
Minimum Lot Depth.....	150 feet
Maximum Lot Depth to Width Ratio.....	4:1
Maximum Building Coverage	30 percent
Maximum Lot Coverage	50 percent
Minimum Setbacks (See §27-22B for corner lots.)	
Front from edge of street right-of-way, all buildings	50 feet
Side (each)	
Principal buildings	25 feet
Accessory buildings	12 feet
Rear	
Principal buildings	60 feet
Accessory buildings	12 feet
Maximum Height (See §27-21D for agriculture and other exceptions.)	
Principal structures.....	lesser of 35 feet or 2.5 stories
Accessory structures.....	lesser of 25 feet or 1.5 stories

C. R-1 Low Density Residential.

(1) Principal Permitted Uses. (Zoning Officer)

- Dwelling, single-family detached
- Forestry
- Group home
- Public Park or playground

RE-NUMBER THE FOLLOWING ITEMS 3 THROUGH 5

(2) Conditional Uses. (Planning Commission/Board of Supervisors)

- Funeral home
- Medical clinic
- Place of worship
- Public building or use (other than uses listed separately)
- Public swimming pool
- Semi-public building or use (other than uses listed separately)

(3) Prohibited Uses. Uses not specifically listed by this §27-17C shall not be permitted in the R-1 District except as approved in accord with §27-16B.

(4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

Minimum Required Lot Area..... 17,000 square feet (0.39 acre)

Minimum Lot Width at Required Setback Line 75 feet

Minimum Lot Depth..... 150 feet

Maximum Lot Depth to Width Ratio.....4:1

Maximum Building Coverage 35 percent

Maximum Lot Coverage 50 percent

Minimum Setbacks (See §27-22B for corner lots.)

Front on public street, measured from edge of street right-of-way, all buildings

Arterial street..... 50 feet

Collector street 40 feet

Local street..... 30 feet

[See street definitions in Chapter22 (Subdivision and Land Development)]

Front on private street serving more than one (1) dwelling unit, measured from street centerline. 35 feet Side (each)

Principal buildings 15 feet

Accessory buildings 12 feet

Rear

- Principal buildings 35 feet
- Accessory buildings 12 feet

Maximum Height (See §27-21D for agriculture and other exceptions.)

- Principal structures.....lesser of 35 feet or 2.5 stories
- Accessory structures.....lesser of 25 feet or 1.5 stories

D. R-2 Medium Density Residential District.

(1) Principal Permitted Uses. (Zoning Officer)

- Dwelling, multi-family
- Dwelling, single-family detached
- Dwelling, two-family
- Forestry
- Group home
- Public Park or playground

RE-NUMBER THE FOLLOWING ITEMS 3 THROUGH 5

(2) Conditional Uses. (Planning Commission/Board of Supervisors)

- Assisted living facility
- Boarding house
- Cemetery, not including a crematorium
- Day care center
- Group home, institutional
- Manufactured home park
- Personal care home
- Place of worship
- Public building or use (other than uses listed separately)
- School, public or private, nursery, primary or secondary
- Semi-public building or use (other than uses listed separately)

(3) Prohibited Uses. Uses not specifically listed by this §27-17D shall not be permitted in the R-2 District except as approved in accord with §27-16B.

(4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

- Two-family dwellings see §27-49
- Multi-family Dwellings see §27-50
- Manufactured Home Parks see §27-52

Minimum Required Lot Area..... 12,500 square feet (0.29 acre)

Minimum Lot Width at Required Setback Line 75 feet

Minimum Lot Depth..... 140 feet

Maximum Lot Depth to Width Ratio.....4:1

Maximum Building Coverage 40 percent

Maximum Lot Coverage 65 percent

Minimum Setbacks (See §27-22B for corner lots.)

Front on public street, measured from edge of street right-of-way, all buildings

- Arterial street..... 50 feet
- Collector street 40 feet
- Local street..... 30 feet

[See street definitions in Chapter22 (Subdivision and Land Development)]

Front on private street serving more than one (1) dwelling unit, measured from street centerline. 35 feet

Side

- Principal buildings aggregate of 25 feet, narrower side 10 feet
- Accessory buildings 8 feet each side

Rear

- Principal buildings 35 feet
- Accessory buildings 10 feet

Maximum Height (See §27-21D for agriculture and other exceptions.)

- Principal structures.....lesser of 35 feet or 2.5 stories
- Apartment buildings.....lesser of 45 feet or 3.5 stories
- Accessory structures.....lesser of 25 feet or 1.5 stories

E. R-3 Medium Density Residential District.

(1) Principal Permitted Uses. (Zoning Officer)

- Dwelling, multi-family
- Dwelling, single-family detached
- Dwelling, two-family
- Forestry
- Group home
- Public Park or playground

RE-NUMBER THE FOLLOWING ITEMS 3 THROUGH 5

(2) Conditional Uses. (Planning Commission/Board of Supervisors)

- Assisted living facility
- Boarding house
- Cemetery, not including a crematorium
- Day care center
- Group home, institutional
- Personal care home
- Place of worship
- Public building or use (other than uses listed separately)
- School, public or private, nursery, primary or secondary
- Semi-public building or use (other than uses listed separately)

(3) Prohibited Uses. Uses not specifically listed by this §27-17E shall not be permitted in the R-3 District except as approved in accord with §27-16B.

(4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

Two-family Dwellings see §27-49
 Multi-family Dwellings see §27-50

Minimum Required Lot Area 12,500 square feet (0.29 acre)

Minimum Lot Width at Required Setback Line 75 feet

Minimum Lot Depth 140 feet

Maximum Lot Depth to Width Ratio 4:1

Maximum Building Coverage 40 percent

Maximum Lot Coverage 65 percent

Minimum Setbacks* (See §27-22B for corner lots.)

Front on public street, measured from edge of street right-of-way, all buildings

Arterial street 50 feet

Collector street 40 feet

Local street 30 feet

[See street definitions in Chapter 22 (Subdivision and Land Development)]

Front on private street serving more than one (1) dwelling unit, measured from street centerline. 35 feet

Side

Principal buildings aggregate of 25 feet, narrower side 10 feet

Accessory buildings 8 feet each side

Rear

Principal buildings 35 feet

Accessory buildings 10 feet

Maximum Height (See §27-21D for agriculture and other exceptions.)

Principal structures lesser of 35 feet or 2.5 stories

Apartment buildings lesser of 45 feet or 3.5 stories

Accessory structures lesser of 25 feet or 1.5 stories

F. C-1 General Commercial District.

(1) Principal Permitted Uses. (Zoning Officer)

-Amusement arcade

-Auction house ->CU

-Bank

-Bus station ->CU

-Business office

-Business services

-Car wash

-Catering service

-Charging station

-Club/lodge, private

-College ->CU

-Community center

-Conference center

-Convenience store

-Country club

-Cultural center

-Day care center

-Domestic abuse shelter

-Emergency services station

-Farmers market

-Funeral home

-Gaming establishment

-Garage, public parking

-Homeless shelter ->CU

-Hospital

-Hotel

- Lumberyard ->I-1
- Manufactured housing display/sales ->I-1
- Medical clinic
- Medical marijuana dispensary ->CU
- Medical marijuana research organization ->CU
- Meeting, assembly or banquet hall
- Micro-brewery/distillery
- Mobile food service operations
- Mobile sales operations
- Motel ->CU
- Nightclub ->CU
- Office building
- Outdoor entertainment
- Parking garage or lot as the principal use of a lot
- Personal care home
- Professional offices
- Public Park or playground
- Recreation facility, indoor commercial (other than uses listed separately)
- Research laboratory ->CU

- Resort
 - Restaurant
 - School, public or private, nursery, primary or secondary
 - Self-storage facility
 - Service establishment
 - Studio
 - Theater, indoor
- MOVE THE FOLLOWING TO CONDITIONAL USE (CU)
- Retail business (other than uses listed separately)
 - Trade school
 - Transitional living facility
 - Travel plaza
 - Truck wash
 - Vehicle and equipment rental with outdoor storage
 - Vehicle and equipment repair
 - Vehicle and equipment sales
 - Veterinary clinic, indoor
 - Wholesale business

RE-NUMBER THE FOLLOWING ITEMS 3 THROUGH 5

(2) Conditional Uses. (Planning Commission/Board of Supervisors)

- Amusement Park
- Contractor shop or yard
- Correctional facility
- Crematorium
- Dormitory
- Drive-in stands for uses allowed in district
- Fireworks (consumer) sales
- Flea market, outdoor
- Fraternity house or sorority house
- Hookah bar/smoking lounge
- Large-scale retail/commercial development for uses allowed in district
- Manufactured home park
- Park and ride facilities

- Public building or use (other than uses listed separately)
- Public swimming pool
- Recreation facility, outdoor commercial (other than uses listed separately)
- Recycling facility ->I-1
- Semi-public building or use (other than uses listed separately)
- Solar power generation, commercial ->I-1
- Staging area for equipment and material ->I-1
- Storage yard for forest products and minerals ->I-1
- Swimming pool, commercial
- Theater, drive-in
- Place of worship
- Veterinary clinic, outdoor facilities

(3) Prohibited Uses. Uses not specifically listed by this §27-17F shall not be permitted in the C-1 District except as approved in accord with §27-16B.

(4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

- Apartment Buildings and Apartment Units..... see §27-50
- Minimum Required Lot Area..... None
- Minimum Lot Width at Required Setback Line none
- Minimum Lot Depth..... none
- Maximum Lot Depth to Width Ratio.....4:1
- Maximum Building Coverage 50 percent
- Maximum Lot Coverage 75 percent

Minimum Setbacks (See §27-22B for corner lots.)

Front on public street, measured from edge of street right-of-way, all buildings

- Major arterial street..... not permitted
- Minor arterial street..... 40 feet
- Collector street 30 feet
- Local street..... 25 feet

[See street definitions in Chapter22 (Subdivision and Land Development)]

- Side, all buildings 10 feet each side
- Rear, all buildings..... 15 feet

Maximum Height (See §27-21D for agriculture and other exceptions.)

- Principal structures.....lesser of 45 feet or 3.5 stories
- Accessory structures.....Lesser of 25 feet or 1.5 stories

G. I-1 Research and Development and Industrial District.

(1) Principal Permitted Uses. (Zoning Officer)

- | | |
|---|--|
| <ul style="list-style-type: none"> -Agricultural products processing -Bulk fuel storage facility -Bus station ->CU -Bus, limousine or taxi terminal -Composting facility -Contractor shop or yard -Correctional facility -Crematorium -Distribution center/truck terminal -Forestry -Helistop <u>MOVE IWTF TO CU</u> -Industrial wastewater treatment facility -Industry | <ul style="list-style-type: none"> -Manufacturing, light <u>MOVE THE FOLLOWING TO CONDITIONAL USE (CU)</u> -Medical marijuana dispensary -Medical marijuana grower/processor -Medical marijuana research organization -Recycling facility -Resource recovery facility -Retail home heating fuel distributor 20,000 gallons or less storage -Solar power generation, commercial -Warehouse -Wholesale business -Wireless communication facilities |
|---|--|

(2) Conditional Uses. (Planning Commission/ Board of Supervisors)

- | | |
|--|--|
| <ul style="list-style-type: none"> -Adult business -Mineral processing -Power plant -Retail sales or distribution of products related to an industrial or manufacturing, light use | <ul style="list-style-type: none"> -Sawmill -Slaughterhouse -Solid waste facility |
|--|--|

RE-NUMBER THE FOLLOWING ITEMS 4 THROUGH 5

- (3) Prohibited Uses. Uses not specifically listed by this §27-17G shall not be permitted in the I-1 District except as approved in accord with §27-16B.
- (4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

Minimum Required Lot Area

- Off-site sewage disposal and off-site water supply 43,560 square feet (1 acre)
- All other combinations of sewage disposal and water supply 87,120 Square feet (2 acres)

Minimum Lot Width at Required Setback Line 200 feet

Maximum Lot Depth to Width Ratio.....4:1

Maximum Building Coverage 60 percent

Maximum Lot Coverage 80 percent

Minimum Setbacks (See §27-22B for corner lots.)

- Front measured from edge of street right-of-way, all buildings 50 feet
- Side, all buildings20 feet each
- Rear, all buildings..... 40 feet
- Any lot line contiguous to R-1, R-2 or R-2 District 100 feet

Maximum Height (See §27-21D for agriculture and other exceptions.)

All buildings 45 feet

H. OS Open Space District.

(1) Principal Permitted Uses. (Zoning Officer)

- | | |
|---|------------------------------|
| -Country club | -Greenhouse, plant wholesale |
| -Crop production and necessary accessory structures | -Nursery, plant wholesale |
| -Forestry | -Public Park or playground |
| -Golf course | -Public swimming pool |
| | -Swimming pool, commercial |

RE-NUMBER THE FOLLOWING ITEMS 3 THROUGH 5

(2) Conditional Uses. (Planning Commission/Board of Supervisors)

- Mineral extraction
- Public building or use (other than uses listed separately)
- Semi-public building or use (other than uses listed separately)

(3) Prohibited Uses. Uses not specifically listed by this §27-17H shall not be permitted in the OS District except as approved in accord with §27-16B.

(4) Development Standards. The following standards shall apply. Larger lot sizes, greater setbacks, buffers and other more restrictive standards for specific uses may be required by other provisions of this chapter.

Minimum Required Lot Area..... 12,500 square feet (0.29 acre)

Minimum Lot Width at Required Setback Line 75 feet

Minimum Lot Depth 140 feet

Maximum Lot Depth to Width Ratio.....4:1

Maximum Building Coverage 40 percent

Maximum Lot Coverage 65 percent

Minimum Setbacks (See §27-22B for corner lots.)

Front measured from edge of street right-of-way, all buildings

Arterial street..... 50 feet

Collector street 40 feet

Local street..... 30 feet

[See street definitions in Chapter22 (Subdivision and Land Development)]

Side

Principal buildings aggregate of 25 feet, narrower side 10 feet

Accessory buildings 8 feet each side

Rear

Principal buildings 35 feet

Accessory buildings 10 feet

Maximum Height (See §27-21D for agriculture and other exceptions.)

Principal structures.....lesser of 35 feet or 2.5 stories

Accessory structures.....lesser of 25 feet or 1.5 stories

§27-18 to §27-19 Reserved

ARTICLE V
SUPPLEMENTARY REGULATIONS

§27-20 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 chapter.

§27-21 Special Requirements.

- A. 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 chapter. Setbacks or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- B. Access Drives; Driveways. Access drives serving a permitted use shall be permitted to cross all required setbacks except as may be otherwise regulated by this chapter and provided a buffer of five (5) feet is maintained from rear and side property lines.
- C. Nonconformities. See Article IX.
- D. Special Height Standards.
- (1) Height Exceptions.
- (a) Appurtenances. Unless otherwise regulated by this chapter, height regulations established by the Schedule of Uses and Development Standards in §27-17 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, wind mills, solar energy collectors and equipment used for the mounting or operation of such collectors, and necessary mechanical appurtenances or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Any such structure which exceeds a height of sixty (60) feet shall be considered a conditional use.
- (b) Agricultural or Industrial. Agricultural or industrial structures, such as barns, silos, grain elevators, storage tanks or similar types of structures, may be erected above the height limits specified in the Schedule of Uses and Development Standards in §27-17 where the function or process involved requires a greater height. Any such industrial structure which exceeds a height of seventy (70) feet shall be considered a conditional use.
- (2) Other Building Features. Unless otherwise regulated by this chapter, height regulations established by the Schedule of Uses and Development Standards in §27-17 shall not apply to parapet walls extending not more than five (5) feet above the regulated height of the building, skylights, bulkheads, and similar features.
- (3) Aviation Regulations. Notwithstanding any of the exceptions in this §27-21D, the location and height of all structures shall comply with all applicable rules, regulations, standards and criteria of the Federal Aviation Administration and PennDOT Bureau of Aviation.
-

E. Projections Into Setbacks. (See §27-23A for accessory structures.) No part of any structure, whether attached to the principal structure or not, shall project into any required setback except as provided in the this §27-21E.

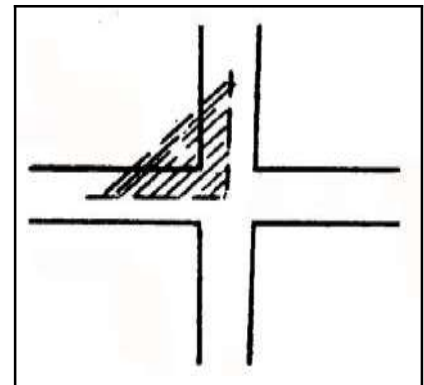
- (1) Projecting Architectural Features. Chimneys, cornices, eaves, gutters, and bay windows and similar architectural features may extend not more than two (2) feet into any required setback.
- (2) Fire Escapes. Open fire escapes shall not extend into any required setback more than four and one-half (4.5) feet.
- (3) A paved patio, unattached deck or unattached terrace shall be considered in the determination of required setbacks or maximum lot coverage.
- (4) Any covered porch shall be considered a part of the building in the determination of required setbacks or maximum lot coverage.

F. Obstructions to Vision at Street or Driveway Intersections

(1) Danger to Traffic - No fence, wall, sign or other structure shall be erected or altered and no hedge, shrub, tree, or other growth shall be located which may cause danger to traffic on a street or road by obscuring a driver's view at a street or driveway intersection.

(2) Clear Sight Triangle - At all street and/or driveway intersections, no obstruction or planting measuring higher than twenty-four (24) inches or lower than eight (8) feet above road grade shall be permitted within the clear sight triangle. A clear sight triangle shall be defined as that area of unobstructed vision at street intersections formed by lines of sight between points which are a specified distance from the intersection of the street center lines. These distances shall be as follows:

1. For the intersection of two (2) streets, the distance from the intersection of the street center lines shall be seventy-five (75) feet.
2. For the intersection of a street and a driveway, the distance shall be twenty-five (25) feet.



Clear Sight Triangle

(3) Sight Lines along Streets - Along the rights-of-way of all public streets and of private streets, in addition to the above restrictions, no plants, landscaping, screening, fences, other structures or objects shall be placed in such a manner as to obstruct or interfere with sight distance along the street right-of-way. In the case of plants, the growth of branches, leaves or other vegetation into the right-of-way in such a way as to obstruct or interfere with sight distance within the right-of-way shall be prohibited.

G. 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.

H. Excavation and Removal of Topsoil. Excavation of topsoil for the purpose of grading a site or preparing for the construction of a building foundation shall be allowed in all districts. Removal of topsoil shall not be allowed except if approved as *mineral extraction*. In addition to PA DEP and County Conservation District requirements,

excavation activities shall comply with the following:

- (1) Drainage. Any excavations must be adequately drained to prevent the formation of pools of water and shall not create drainage problems for adjacent properties or public streets.
- (2) Storage Piles. Unless specifically permitted, open excavations shall not be maintained, except for those excavations made for the erection of a building or structure for which a permit has been issued. All soil so stripped or otherwise excavated shall not be stored on a property for more than one (1) year before being redistributed and graded on the property.
- (3) Dust. Dust problems shall be minimized during the excavation, storage, removal, and hauling of excavated materials.

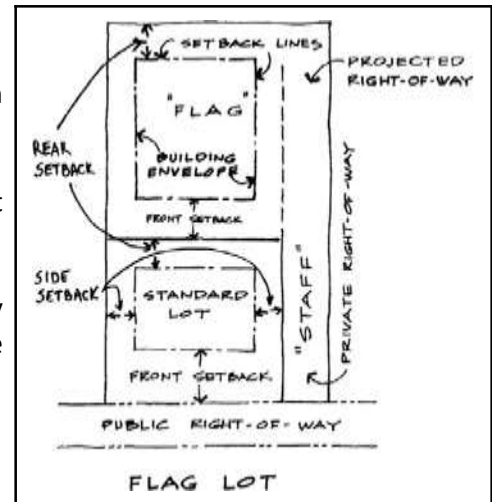
§27-22 Unique Lots, Setbacks and Building Locations.

- A. Two or More Uses on a Lot. [Approval may be required under Chapter 22 (Subdivision and Land Development).]
- (1) Residential Districts. In R-1, R-2 and R-3 Districts each lot shall be limited to one (1) principal use and accessory structures.
 - (2) 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 chapter 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 chapter, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
 - (3) Residential and Nonresidential on the Same Lot. The following shall apply in A-R, C-1, I-1 and OS Districts. (This §27-22A (3) shall not apply where district regulations specifically allow residential uses on upper floors of a nonresidential building.)
 - (a) 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).
 - (b) 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 chapter in addition to the land area needed to meet the density requirement for the nonresidential use.
 - (4) Structure Separation. 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 §27-23A for accessory structures.)
- B. Street Frontage / Corner Lot Setbacks. 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.
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C. Flag Lots.

- (1) Setbacks. Setbacks on flag lots shall be provided in accord with the following Flag Lot Diagram.
- (2) Lot Area. The area of the pole (leg) extension to the lot shall not be included in the calculation of minimum lot size.

- D. Tree Setback Requirements. The minimum distance that any tree may be planted from an adjacent lot line within any Zoning District of the Township shall be five (5) feet.



§27-23 Accessory Structures and Uses.

A. Accessory Structures.

- (1) 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.
- (2) Unattached Accessory Structures.
 - (a) Unattached residential accessory structures in any district may be erected no closer than ten (10) feet to a property line within the required rear or side setbacks provided that the maximum height of such structure be limited to one and one-half (1.5) stories or eighteen (18) feet. For structures greater than one hundred twenty-five (125) square feet in floor area, the minimum distance of such structure from the rear and side property lines shall be as required for the district in which the structure is located; however, in no case shall an unattached accessory structure be permitted closer than ten (10) feet to a property line.
 - (b) Unattached accessory structures shall be a minimum of five (5) feet from principal or other accessory structures.
 - (c) Child playhouses shall be considered accessory structures and shall comply with the requirements of this §27-23A (2). However, a permit shall not be required for a child play house under one hundred (100) square feet in total floor area.
 - (d) Well houses and other accessory structures housing utilities and electricity generators, whether or not housed in a structure, shall comply with this §27-23A (2).
- (3) 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.
- (4) Prohibited Storage Units - A mobile home, box or other type trailer, any unit which was originally designed with wheels and axle(s), truck body, cargo container, or other similar unit not originally designed for accessory residential storage shall not be used as an accessory building or structure in any R-1, R-2 or R-3 District.

B. Fences and Walls. Fences or walls may be permitted within any Zoning District subject to the following:

- (1) Fences or walls may be permitted to be located within any of the required setback areas, except that no fence or wall shall be located closer than one (1) foot to the front, side or rear lot line of any property.
- (2) Fences or walls erected in any R-1, R-2 or R-3 District shall not exceed four (4) feet in height when located within a required front setback, nor more than eight (8) feet in height when located within a required side or rear setback. In any other District, security fencing may be permitted up to ten (10) feet in height.
- (3) In no case shall a fence or wall be erected which could cause danger to traffic on a street or road (whether public or private) by obscuring a driver's view or which does not comply with the clear site triangle requirements contained in §27-21F.
- (4) All fences to be placed in an identified flood plain area shall also meet the requirements of the Township's effective Floodplain Management Ordinance.

C. Reserved.

D. Reserved.

E. Home Occupations and Cottage Industry.

- (1) Home Occupations. It is the intent of this §27-23E (1) to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed home occupation not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not adequate. 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) Not more than twenty-five (25) percent of the habitable floor area of the dwelling shall be used for calculating the area to be used for the home occupation although the home occupation may be located in either the house or an accessory structure.
 - (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.
 - (e) The home occupation shall be conducted only by members of the family residing in the dwelling and not more than three (3) persons other than residents of the dwelling shall be employed on the premises.
 - (f) Off-street parking shall be provided on the premises as required by this chapter to prevent parking on

- any public or private street right-of-way.
- (g) 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.
 - (h) 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 (2) hundred (200) square feet.
 - (i) The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks. In R-1, R-2 and R-3 Districts, the use shall not require the parking or servicing by a vehicle with more than twenty-six thousand (26,000) pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) times per day.
 - (j) One (1) sign not more than two (2) square feet for each face shall be permitted in accord with Article XI.
 - (k) Article VII, Part 2, Performance Standards, shall also apply to home occupations.
 - (l) The following uses shall not be permitted as home occupations: commercial stables, veterinarians, commercial kennels, motor vehicle or small engine repair shops, retail or wholesale sales, restaurants, crematoria, funeral parlors or other uses not meeting the requirements of this §27-23E (1).
 - (m) The following types of home occupations shall be permitted as accessory uses in all districts:
 - [1] A single-practitioner office or studio of a physician, dentist, massage therapist, yoga instructor, artist, photographer, architect, engineer, accountant, surveyor, lawyer, realtor, insurance salesperson, or member of some similar recognized profession.
 - [2] Custom dressmaking or tailoring.
 - [3] Day care that provides care for six (6) or fewer children at any one (1) time who are not relatives of the care giver.
 - [4] Tutoring or music or dance instruction for not more than four (4) children simultaneously.
 - [5] Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.
 - [6] Businesses involving the use of personal computers for sales or services and which do not involve customer contact on the premises.
 - [7] Single chair beauty shops, barbershops, and tattooing and tattoo removal shops.
 - [8] No-impact home-based businesses as defined in Article III.
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- (n) All applications for home occupations not specifically enumerated as permitted in §27-23E(1)(m) shall not be permitted in the R-1, R-2 and R-3 Districts. In all other districts, all applications for home occupations not specifically enumerated as permitted in §27-23E(1)(m) or excluded by §27-23E(1)(l), shall be considered conditional uses.
- (2) Cottage Industry. It is the intent of this §27-23E (2) to regulate as conditional uses the operation of cottage industries to permit a variety of commercial uses in AR, C-1 and OS Districts under certain conditions established to minimize effects on neighboring properties and the district as a whole. The burden of proof shall be on the applicant to demonstrate that the standards will be met. Based upon the potential nuisances of a proposed cottage industry not specifically permitted by this section, the Board of Supervisors may determine that a particular type or intensity of use is unsuitable to be a cottage industry or that the proposed lot area or setbacks are not adequate. The following standards shall apply:
- (a) Interior Only; Parcel Size - The cottage industry must be conducted entirely inside a building situated on a minimum of five (5) acres and the required minimum setbacks for the building shall be double the normal district setbacks for principal buildings.
- (b) Outdoor Storage - No outdoor storage of materials, goods, products, supplies, or equipment used in the cottage industry shall be permitted unless adequate screening and buffers are provided in accord with §701.
- (c) Employees - The cottage industry shall be conducted by members of the family residing in the dwelling and the number of nonresident employees shall not exceed five.
- (d) Parking - Off-street parking shall be provided on the premises as required by this chapter to prevent parking on any public or private street right-of-way.
- (e) Nuisances; Noise
- [1] No cottage industry 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.
- [2] A cottage industry shall not involve noise which will be audible to neighboring residents between the hours of 6:00 p.m. and 7:00 a.m. The Township may also require the applicant to use insulation to minimize any audible noise or may disapprove the application where, in their opinion, the proposed activity will involve unreasonable noise. No cottage industry shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the district.
- (f) Traffic; Trucks
- [1] The use shall not create any adverse impact on existing traffic or circulation patterns in the neighborhood nor cause a substantial increase in the volume of traffic in the neighborhood. For the purposes of this chapter, a twenty (20) percent increase shall be considered substantial.
- [2] The use shall not require the parking of tractor-trailer trucks; however, deliveries by tractor-trailer trucks shall be permitted.
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- (g) Sign - One (1) sign not more than six (6) square feet for each face shall be permitted in accord with Article XI.
- (h) Performance Standards - The performance standards in Article VII, Part 2 shall also apply to cottage industries.
- (i) Prohibited uses - Any use not meeting the requirements of this §27-23E (2), any use for which a special minimum parcel size is required and the following uses shall not be permitted as a cottage industry:

- | | |
|---|--------------------------------------|
| -Abused person shelters | -Heliports |
| -Adult businesses | -Hotels |
| -Airports | -Junk yards |
| -Amusement parks | -Industry |
| -Amusement arcades | -Mineral extraction |
| -Banks | -Mineral processing |
| -Bulk fuel storage facilities | -Motels |
| -Bus terminals | -Race tracks |
| -Campgrounds and recreational vehicle parks | -Recycling facilities |
| -Car and truck washes | -Self-storage facilities |
| -Commercial communications device sites | -Shooting ranges, outdoor commercial |
| -Convenience stores | -Solid waste facilities |
| -Correctional facilities | -Solid waste landfills |
| -Drive-in stands/uses | -Solid waste transfer facilities |
| -Flea markets | -Theaters, indoor or drive-in |
| -Funeral parlors | -Truck terminals |
| -Gaming establishments | |

F. Home Gardening, Nurseries and Greenhouses. Home gardening and accessory structures used for nurseries or as greenhouses are permitted accessory to residential uses provided, they are used by the residents thereof for noncommercial purposes, are not located in any required front setback, and do not involve the outdoor storage of equipment and supplies.

G. Swimming Pools. See Chapter 23 (Swimming Pools).

H. Temporary Uses.

- (1) Definition. A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- (2) Zoning Permit Required. No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §27-23H and other applicable provisions of this chapter shall have first been issued.
- (3) Particular Temporary Uses Permitted. The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this chapter.

(a) Contractor's Office and Construction Equipment Sheds.

[1] Permitted in any district where use is incidental to a construction project. Office or shed shall not

contain sleeping or cooking accommodations.

- [2] Maximum length of permit shall be one (1) year.
- [3] Office or shed shall be removed upon completion of construction project.
- [4] Required water supply and sanitary facilities shall be provided.

(b) Real Estate Sales Office.

- [1] Permitted in any district for any new subdivision approved in accord with Chapter 22 (Subdivision and Land Development). The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
- [2] Maximum length of permit shall be two (2) years.
- [3] The office shall be removed upon completion of the development of the subdivision.
- [4] Required water supply and sanitary facilities shall be provided.

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

- [1] Required water supply and sanitary facilities per PA DEP requirements and electrical service per the PA Uniform Construction Code shall be provided.
- [2] Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
- [3] Prior to issuance of any occupancy permit for the new or rehabilitated residence, the mobile home shall be removed from the property, or the recreational vehicle shall be removed from the property or be discontinued as the temporary shelter

(4) Special Events. A temporary permit may be authorized by the Zoning Officer for a nonconforming structure or a nonconforming use for customary, routine and accessory, short-term special events, provided that such nonconforming structure or nonconforming use shall be completely removed upon expiration of the permit without cost to the Township. The Zoning Officer may require reasonable safeguards to be made so that the temporary use or structure does not endanger the health, safety and welfare of the public. Such Permits shall be issued for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.

(5) Additional Regulations

- (a) Documentation must be provided to the Township that adequate arrangement for temporary sanitary facilities has been made.
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- (b) All uses shall be confined to the dates specified in the permit.
 - (c) Hours of operation shall be confined to those specified in the permit.
 - (d) Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six (6) inches or as otherwise needed, of bank-run gravel or equal material.
- I. Yard, Lawn, Garage, Tag or Estate Sale. Yard, lawn, garage, tag or estate sales shall not exceed more than three (3) consecutive days and not more than three (3) times per year.
- J. Reserved.
- K. Heliports as an Accessory Use. Heliports as accessory uses, in addition to all other applicable requirements, shall comply with the following standards.
- (1) Allowed only in the I-I District as a conditional use.
 - (2) The applicant shall document compliance with all applicable state and federal regulations.
 - (3) The runway and/or 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 airport and/or heliport is proposed.
- L. 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.
- M. Satellite Dish Antennae. All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required for such antennae twenty (20) inches or less in diameter.
- N. Tennis Courts. A tennis court accessory to a residential use shall only be located a in a rear or side yard and shall not be closer to a property line than 20 feet. Tennis court fences shall be permitted, but shall not be closer than ten (10) feet to a property line.
- O. 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 situated in a commercial district leased to such organization. Any such organization may not conduct a private flea market for more than seven (7) successive days and not more than two (2) such periods in any one (1) calendar year.
- P. 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 chapter:
- (1) Height.
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- (a) The applicant shall demonstrate that the accessory wind turbine generator and support structure is no higher than recommended by the manufacturer's standards.
- (b) The lowest portion of the wind rotor shall not be less than twenty-five (25) feet above ground level.

(2) Setback.

- (a) No part of the wind turbine generator structure shall be located less than one and one-tenth (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.
- (b) Guy wire anchors shall not extend closer than ten feet to any property line or road-right-of-way.

(3) Uniform Construction Code; Manufacturer's Standards.

- (a) 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.
- (b) The generator and support structure shall be installed in accord with all Uniform Construction Code and manufacturer requirements.
- (c) 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.

(4) Climb Prevention/Locks/Fence.

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

(5) Noise and Shadow Flicker.

- (a) Audible sound from an accessory wind turbine generator shall not exceed 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*.
 - (b) Best efforts shall be used to minimize shadow flicker to any occupied building on any other parcel.
 - (c) For the purposes of this §27-23P (5), *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
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application is submitted.

- (6) 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 PennDOT Bureau of Aviation regulations. No wind turbine shall be artificially lighted, except as required by FAA requirements.
 - (7) 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.
 - (8) 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.
 - (9) Number on Property - No more than three (3) wind turbine generators shall be permitted with a total output not to exceed forty (40) kilowatts on a single property.
 - (10) 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.
 - (11) 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 most current 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.
 - (12) 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.
 - (13) 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.
- Q. 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.
- (1) Districts; Standards. Accessory solar collectors and associated energy storage facilities are permitted in all districts only in compliance with this §503.16 and other applicable standards of this chapter.
 - (2) 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.
 - (3) Mounting. A solar energy system may be roof mounted or freestanding.
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(4) Height

- (a) 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.
- (b) Freestanding. A freestanding system shall not exceed the maximum building height for accessory buildings.

(5) Setback

- (a) Roof Mounted. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - (b) Freestanding. Freestanding solar collectors shall comply with the setbacks specified for accessory structures in the underlying zoning district.
- (6) Power Lines. All power transmission lines from a freestanding solar energy system to any building or other structure shall be located underground.
- (7) Uniform Construction Code; Manufacturer's Standards. The system shall be installed in accord with Uniform Construction Code and manufacturer's standards.
- (8) 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.

§27-24 Off-Street Parking and Loading

This §27-24 shall apply to all new and expanded uses and to changes of use and all such uses shall be provided with parking and loading areas adequate to meet the needs of the use. Any proposal which is considered a land development as defined by Chapter 22 (Subdivision and Land Development) shall be governed by the parking and loading area design standards in that Chapter. Following the establishment of any land development and for existing uses, the ongoing operation and maintenance of the off-street parking and loading facilities shall comply with the requirements of this §27-24 and violations shall be subject to the enforcement provisions of this chapter.

A. Availability and Use of Facilities.

- (1) Availability. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.
 - (2) Location of Parking. Required off-street parking spaces shall be on the same lot with the principal use served, except as approved in §27-24K or §27-24L.
 - (3) Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exists, and such spaces shall not be reduced in number below the minimum required by this chapter.
 - (4) Non-Parking Use. Required off-street parking, loading, and unloading facilities and access ways shall not be used for any other purpose, including, but not limited to, sales, display or storage areas, or the parking of
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any vehicles for which the area was not approved (e.g., parking of tractor trailers in required passenger vehicle areas).

- (5) Existing Parking. Any parking spaces serving such pre-existing structures or uses at the time of the adoption of this chapter shall not in the future be reduced in number below the number required by this chapter. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this chapter, including, but not limited to, required parking and areas reserved for additional parking if needed, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- (6) Driveways, Garages and Carports. Driveways, garages and carports not in the public right-of-way may be considered parking spaces.

B. Site Plan; Design.

- (1) Site Plan. The project application shall include a site plan that shows the parking, loading and unloading area, and access design.
- (2) General. Parking spaces, loading and unloading areas, and access ways shall be laid out to result in safe and orderly use and to fully address all of the following: vehicular access onto and off the site, vehicular movement within the site, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic on or off the lot.
- (3) 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.
- (4) Design. Off-street parking areas, access ways, fire lanes, traffic flow signs, pavement markings, and other necessary facilities shall be designed and provided in accord with the most current Institute of Transportation Engineers Traffic Engineering Handbook, or other generally accepted methodology approved by the Township. The Applicant shall provide copies of the methodology used for the design. Notwithstanding the above, all parking spaces and the overall design shall be ample in size for the vehicles for which use is intended and stalls shall be a minimum of ten (10) feet by twenty (20) feet with aisles of not less than 24 feet unless designed as required above.

C. Illumination. All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four (4) cars other than those accessory to a single dwelling, shall be illuminated for safety purposes in accord with §27-67.

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

E. Lot Coverage Bonus for Side or Rear Parking. Lot coverage may be increased by five (5) percentage points if the required off-street parking is located to the side or rear of the principal building.

F. Number of Spaces to Be Provided.

- (1) Parking Required - The number of parking spaces required by this §27-24F in the following table shall be
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considered the minimum and maximum requirements unless modified in accord with this §27-24F.

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 (2) buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six (6) 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, short-term rental units 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
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 (2) buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.	

- (2) Uses Not Listed. For uses not specifically provided above, the Zoning Officer shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.
- (3) Township Required Reduction. In the case of parking for conditional uses, if the Board of Supervisors determines that the number of parking spaces required by this §27-24F is not necessarily required to meet the immediate needs of the proposed use, the Township may require the number of spaces provided to be reduced by a maximum of twenty-five (25) percent based on the Average Peak Period Demand or Peak, whichever is reported for the use in the Parking Demand Table. The developer shall dedicate sufficient and suitable area to future parking to meet the normal standards in this §27-24F.
- (4) Applicant Proposed Reduction/Increase. The required number of parking spaces may be reduced or increased subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses. The applicant shall provide evidence justifying the proposed reduction or increase of spaces, such as studies of similar developments during peak hours. The applicant shall also provide relevant data, such as number of employees and peak expected number of customers/visitors. Any approval to permit such decrease or increase shall be subject to the following:
 - (a) Chapter. The project design and parking space decrease shall be consistent with the purposes contained in this chapter.
 - (b) Quality of Design. The applicant shall demonstrate to the Board of Supervisors that the proposed decrease will result in an adequate number of parking spaces or the increase will not produce an excess number of spaces for the use based on a specific study of the parking demands for the proposed use or

empirical data reported by a generally accepted source such as the Institute of Transportation Engineers, the Urban Land Institute, the American Planning Association, or similar entity.

(c) Local Conditions. In making its determination the Board of Supervisors or the Zoning Hearing Board shall also consider, among others, the demographics and character of the neighborhood, demographics of targeted customers and employees, availability of mass transit, existing on-street parking conditions, and any employer instituted transportation demand management programs.

(d) Burden; Conditions

[1] If the Board of Supervisors or the Zoning Hearing Board, in its sole discretion, determines that the applicant has met the burden of proof, it may grant a conditional use for the decrease or increase.

[2] In no case shall parking be reduced by more than 30 percent nor be increased by more than 20 percent of the minimum parking requirement.

[3] If the applicant provides more parking spaces than the minimum required, the additional parking spaces shall not result in the removal of specimen trees.

[4] The Board of Supervisors or the Zoning Hearing Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this chapter, including, but not limited to, reserving parking.

(5) Form of Reservation. Each parking reservation shall be in a form acceptable to the Township Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and, if the Township determines it is necessary, to provide the additional parking in the time and manner as stipulated in the reservation document. Proof of recording of the agreement shall also be provided to the Township before the issuance of a zoning permit for the project.

(6) Reserved Parking Design, Disturbance and Stormwater. The reserve parking areas shall be capable of compliance with all applicable standards, and shall remain undisturbed or shall be landscaped. All reserved parking areas shall be included in the calculations of lot coverage area and in calculations for stormwater management and for the requirement of a NPDES permit. The stormwater facilities shall be constructed in accord with the approved sequencing design as parking areas are constructed.

(7) Multiple Uses. (See also §27-24L.) For projects involving more than one (1) use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

(8) Handicapped Parking. Parking for the handicapped shall be provided in accord with the Americans with Disabilities Act and shall count as part of the spaces required for the use by this §27-24.

G. Off-Street Loading and Unloading Areas. For the purposes of this section, the words “loading” and “unloading” are used interchangeably.

(1) Required. In connection with any building or structure, which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading and unloading berths shall be provided as specified in this §27-24.

- (2) Number. Each use shall provide off-street loading facilities sufficient to accommodate the maximum demand generated by the use and the maximum sized vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed during off-peak hours for loading and unloading along an alley, rear service lane or parking area. Loading areas shall not be used to satisfy parking requirements.
 - (3) Location. All required loading areas shall be located on the same lot as the use to be served. No loading area for vehicles of more than two-ton capacity shall be located closer than one hundred (100) feet from any residential district. No loading area shall be located within fifty (50) feet of a property line unless the lot is less than 200 feet wide, in which case such setback may be reduced to not less than twenty-five (25) feet at the discretion of the Township. No loading facilities shall be constructed within any required setback areas. Loading facilities shall be located on either the side or rear of the building and screened in accord with §27-60 and Chapter 22 (Subdivision and Land Development).
 - (4) Access. Each required off-street loading area shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements, and shall be subject to the approval of the Township. Such access shall have paved surfaces to provide safe and convenient access during all seasons.
 - (5) Repair and Service. No storage of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.
 - (6) Hours of Operation. Where the use requiring loading and unloading activities is located within 500 feet of a residential use or district, the hours of operation for loading or unloading activities shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.
 - (7) Fire Lanes. All buildings shall be accessible to emergency vehicles and shall meet applicable requirements.
- H. Access To Off-Street Parking and Loading Areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Width. Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the right-of-way shall comply with the most current Institute of Transportation Engineers design standards for the type and volume of vehicles anticipated.
 - (2) Controlled Access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit. Adequate sight triangles shall be maintained in accord with §27-21F.
 - (3) Highway Occupancy Permit. All new uses shall be required to obtain a highway occupancy permit from the Township or PennDOT, as the case may be. In the case of a change in use or the expansion of an existing use, a highway occupancy permit or a revised highway occupancy permit shall be required if there will be increase in average daily traffic based on the most recent edition of the International Traffic Engineers Traffic Generation Manual. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection.
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- (4) Interior Travel ways. The applicant shall demonstrate that travel ways within the property are adequate to safely and efficiently serve vehicles which are reasonably expected to visit the property. Turning radius templates developed by the American Association of State Highway Transportation Officials (AASHTO) shall serve as the design standard.
- (5) Curbing. Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Township.

I. Parking and Loading Area Setbacks.

- (1) Roads and Property Lines. All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial, industrial, institutional or multi-family use shall be separated from any public road right-of-way or adjoining property lines by a landscaped buffer area not less than ten (10) feet wide unless a wider buffer is required by another chapter provision or adjoining uses share parking in accord with §27-24L.
- (2) 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.
- (3) 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
- (4) Uses Permitted. The buffer area may include the following:
 - (a) Permitted freestanding signs
 - (b) Pervious storm water facilities
 - (c) Approved driveway/access way crossings
- (5) Sidewalks. Sidewalks, existing or proposed, may be included in the buffer area.

- B. Buildings. Parking spaces serving principal nonresidential buildings and multi-family dwellings shall be located a minimum of ten (10) feet from any building wall, unless a larger distance is required by another chapter provision. This distance does not apply at vehicle entrances into or under a building.

J. Grading and Drainage.

- (1) Grading and Drainage. Parking and loading facilities, including driveways, shall be graded and adequately drained away from building areas, to prevent erosion and to avoid increased or altered flow of stormwater runoff into streets or onto adjacent properties.
- (2) Grade. All areas provided for the parking of vehicles shall have a minimum grade of one-half (0.5) percent, and a maximum grade of six (6) percent.

K. 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.

L. Shared Parking. Shared parking may be permitted subject to conditional use approval by the Board of Supervisors for uses classified as principal permitted uses and conditional uses. The following regulations shall apply:

- (1) Application for Shared Parking. Applicants seeking a shared parking arrangement shall have a shared parking study prepared by a traffic engineering firm qualified in the field of shared parking as demonstrated through submission of qualifications and references to the Board of Supervisors/Zoning Hearing Board. The applicants shall submit the shared parking study to the Township for review. Factors to be considered in evaluating the desirability of implementing parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the site's orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.
 - (2) Calculation of Parking Spaces Required. The minimum number of shared parking spaces for a mixed-use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally recognized procedures. A formal shared parking study may be waived by the Board for developments proposing twelve (12) or fewer shared parking spaces and where the applicant has established to the Board of Supervisors/Zoning Hearing Board's satisfaction that its impact is expected to be minimal.
 - (3) Location of Shared Parking Spaces. Shared spaces for residential units shall be located within three hundred (300) feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be located within six hundred (600) feet of the principal building entrances of all sharing uses. However, up to twenty (20) percent of the spaces may be located greater than six hundred (600) feet but less than one thousand (1,000) feet from the principal entrances. Clear, safe pedestrian connections shall be provided. Pedestrians shall not be required to cross an arterial street in order to access shared parking spaces.
 - (4) Easement Agreements. If a privately owned parking facility is to serve two (2) or more separate properties, a legal agreement between property owners guaranteeing access to, use, maintenance and management of designated spaces is required. Such agreement shall be submitted to the Township for review and approval. The Board of Supervisors/Zoning Hearing Board may require that the property owners record the agreement as an easement with the Clinton County Recorder of Deeds.
 - (5) Shared Parking Plan. A shared parking plan shall be submitted when the shared parking study determines that the number of parking spaces which would otherwise be required by this chapter can be reduced by ten (10) percent or more by the application of shared parking to the parcel or parcels. Where a shared parking plan is submitted, it shall include:
 - (a) Site plan of parking spaces intended for shared parking and their proximity to the land uses they serve.
 - (b) A signage plan that directs drivers to the most convenient parking areas for each particular use or group
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of uses (if such distinctions can be made).

- (c) A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible consistent with pedestrian safety.
 - (d) A safety and security plan that addresses lighting and maintenance of the parking areas.
 - (e) A drawing identifying a location which shall be held in reserve for future parking needs should changes in the tenant/occupant mix on the parcel or other circumstances reduce the effectiveness of shared parking among the parcels.
- (6) Adoption of a Shared Parking Plan. The Board of Supervisors/Zoning Hearing Board may condition the grant of subdivision or land development approval upon compliance by the applicant with a shared parking plan acceptable to the Board.
- (7) Modification of a Shared Parking Plan. The owner of a property where parking has been provided pursuant to a shared parking plan may request the Board to approve a revision to that shared parking plan if the tenants/occupants of buildings on the involved parcels change such that a new shared parking study shows an increase by ten percent or more for parking spaces on the parcel. The Board of Supervisors/Zoning Hearing Board may, in its sole discretion, grant or deny such request based upon its analysis of the parking needs of the site, the availability of parking on neighboring parcels or on the streets, and such other factors as it deems relevant. The request may only be granted if the affected parcel(s) have a reserved parking location as set forth in §27-24L(5)(e) and only to the extent that the additional required parking spaces can be placed in that reserve area.
- (8) Reserve Area. The number of parking spaces to be constructed pursuant to a shared parking plan may be less than the number required under this §27-24 pursuant to a shared parking plan only where the following conditions are met:
- (a) The land development plan submitted by the applicant shall identify an area which, if necessary, could be used to meeting the parking requirements of this §27-24 without the use of shared parking (the “parking reserve area”). That area shall be set aside for possible future use as parking if necessary. The Board of Supervisors/Zoning Hearing Board may, upon application of the property owner and for good cause shown, allow such area to be converted to parking;
 - (b) In no event shall the authorized portion of the required parking area that is not to be constructed but reserved for possible future use be counted towards satisfying any open space requirements which must be met under the terms of this chapter;
 - (c) The parking reserve area shall be designed so that, if required, it will be easy to convert the area into parking;
 - (d) Stormwater management plans proposed for the affected land development shall be prepared on the assumption that the parking reserve areas will be part of the impervious coverage; and
 - (e) The parking reserve area shall be buffered and landscaped in accord with §27-60 and §27-61, respectively.

M. Shopping Carts. Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the

storage of the said carts. Storage areas shall be clearly marked and designed for the storage of shopping carts and/or mobile baskets.

- N. Snow Storage and Removal. All plans for proposed parking areas of thirty (30) or more spaces shall include details for adequate snow storage and removal.
- O. Landscaping. All improved off-street parking areas not entirely contained in a garage or building shall comply with the buffering and landscaping requirements of §27-60 and §27-61, respectively.

§27-25 to §27-48 Reserved

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**ARTICLE VI
RESIDENTIAL DEVELOPMENT**

§27-49 Two-Family Dwellings

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §27-49 and other applicable standards in this chapter.

- A. 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.
- B. 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.
- C. Conversions -- See §27-51.

§27-50 Multi-Family Dwellings

Multi-family dwellings are permitted in certain districts to provide the opportunity for the development of a variety of housing types in the Township.

- A. Project Design Process and Procedure.
 - (1) Subdivision and Land Development. Multi-family projects shall also subject to Chapter 22 (Subdivision and Land Development).
 - (2) Site Plan. A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this chapter. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
 - B. Bulk and Density Standards; Parcel Configuration. The bulk and density factors listed in the Multi-Family Dwelling Standards Table shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a specific multi-family dwelling project shall be part of the same parcel and contiguous.
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MULTI-FAMILY DWELLING STANDARDS				
PROJECT STANDARDS	Quadrplexes	Townhouses	Garden Apartments	Apartment Buildings
Minimum size for project parcel (acres)	2	2	2	2
Density -- number of dwelling units per acre	6	6	10	10
Maximum number of dwelling units per building	2	6	8	10
Maximum building height (feet)	same as the zoning district			

C. Design Criteria. The following design criteria shall apply to multi-family projects:

- (1) Setbacks. No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums; however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet. A setback of fifty (50) feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.
- (2) Road Standards. Access roads through the development shall comply with the street requirements of Chapter 22 (Subdivision and Land Development). Direct access of individual parking spaces to a road shall not be permitted, and any such access drive shall remain private.
- (3) Building Separation. All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.
- (4) Landscaped Buffers. Buffers shall be provided in accord with the landscaping requirements of Chapter 22 (Subdivision and Land Development).
- (5) Pedestrian Access. Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in Chapter 22 (Subdivision and Land Development).
- (6) Trash Storage. Exterior storage areas for trash and rubbish shall be screened from public view and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- (7) Architectural Renderings. Preliminary architectural renderings, models or photos for multi-family dwelling projects shall be provided at the time of submission of the application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- (8) Single-Family Attached/Townhouses: Facade Changes. A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or

varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.

- D. Non-Residential Use. Non-residential uses and home occupations which employ other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted.
- E. Common Property Ownership and Maintenance. In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Chapter 22 (Subdivision and Land Development). The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.
- F. Water Supply and Sewage Disposal. All multi-family dwelling projects shall be served by an off-site water supply and an off-site sewage disposal system.
- G. Lighting. Lighting shall be provided sufficient in number and intensity to provide for the safe movement of vehicles and pedestrians. Lighting shall not reflect toward public streets or cause any annoyance to surrounding properties.

§27-51 Multi-Family or Two-Family Conversions.

Any conversion of a building to multi-family or two-family dwelling units shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit density, living space, lot coverage, dimensions of setbacks and other open spaces, off-street parking, and other applicable standards.

§27-52 Manufactured (Mobile) Homes.

- A. Manufactured Homes on Individual Lots. A manufactured home placed upon single-family lot outside of a manufactured home park shall meet the following requirements:
 - (1) The manufactured home shall comply with all applicable Uniform Construction Code requirements.
 - (2) The manufactured home shall have the wheels, axles and hitches removed prior to placement.
 - (3) The manufactured home shall comply in all respects with the requirements set forth in this chapter for single-family residences in the various districts.
- B. Manufactured Homes in a Manufactured Home Park. A manufactured home placed in a manufactured home park shall meet the Chapter 22 (Subdivision and Land Development) and Uniform Construction Code requirements:

§27-53 Reserved

§27-54 Group Homes.

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses, this §27-54 and other applicable standards of this chapter.

- A. 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.
- B. Certification. The use shall be licensed or certified under an applicable County, State 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.
- C. Registration. The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. Such information shall be available for public review upon request.
- D. Counseling. Any medical or counseling services provided on the lot shall be limited to residents and a maximum of three (3) nonresidents per day.
- E. Parking. One (1) off-street parking space shall be provided for each employee on duty at any one (1) 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 §27-60 and §27-61.
- F. 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.
- G. 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 and shall not be permitted on lots of nonconforming size.
- H. Water Supply and Sewage Disposal. Documentation of a water supply and sewage disposal system meeting Township and PA DEP requirements shall be provided.
- I. Number of Residents. A maximum of eight (8) persons shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time.
- J. Visitors. Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.

§27-55 Functional Families.

- A. Purpose. This §27-55 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.
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- B. Conditional Use Standards. The Board of Supervisors shall consider each application for a functional family as a conditional use in accord with the standards of §27-176D and, among others, the following considerations:
- (1) Proposed occupants:
 - (a) Share a strong bond or commitment to a single purpose (e.g., religious orders);
 - (b) Are not legally dependent on others not part of the functional family;
 - (c) Can establish legal domicile as defined by Pennsylvania law;
 - (d) Share costs of food, rent or ownership, utilities and other household expenses;
 - (e) Prepare food and eat together regularly;
 - (f) Share in the work to maintain the premises;
 - (g) Legally share in the ownership or possession of the premises; and
 - (h) Share the entire dwelling unit or act as separate roomers.
 - (2) Whether the household has stability akin to a permanent family. The criteria used to make this determination may include, among others, the following:
 - (a) The length of stay together among the occupants in the current dwelling unit or other dwelling units;
 - (b) The presence of minor, dependent children regularly residing in the household;
 - (c) Whether the household is a temporary living arrangement or a framework for transient living; and,
 - (d) Whether the composition of the household changes from year to year or within the year.
 - (3) Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.
- C. 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 chapter will be observed.

§27-56 Boarding Houses.

A boarding house shall have no more than six (6) rooms of the residence used for rooming or boarding with not more than two (2) people per room. All setback requirements for the district in which the property is located shall be maintained and off-street parking shall be provided in accord with §27-24. In outward appearance, the boarding house shall be consistent with the character of other residences in the immediate area.

§27-57 Reserved.

**ARTICLE VII
STANDARDS**

**Part 1
Design Standards**

§27-58 Design of Commercial Establishments and Nonresidential Uses

- A. Intent. It is the intent of this §27-58 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:
- (1) Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site
 - (2) Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
 - (3) Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
 - (4) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons
 - (5) 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;
 - (6) Considering the impact of stormwater, noise, odor, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
 - (7) Being consistent with any design guidelines adopted by the Township.
- B. Land Development. Any proposed nonresidential building shall be considered a "land development" as defined by the Pennsylvania Municipalities Planning Code and Chapter 22 (Subdivision and Land Development) unless excluded by definition. Such buildings 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. The following shall be provided:
- (1) 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 zoning and municipal boundary lines, within two hundred (200) feet of the tract;
 - (2) A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the land development.
 - (3) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;

- (4) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking
 - (5) Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
 - (6) Location and dimensions of pedestrian entrances, exits, walks
 - (7) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas
 - (8) Preliminary architectural drawings for all buildings
 - (9) Location, size, height, and orientation of all signs other than signs flat on building facades;
- C. Site Design Process. The applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:
- (1) Mapping of environmentally sensitive areas to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance
 - (2) Locating the building site.
 - (3) Locating required buffers.
 - (4) Laying out street access, parking/loading areas, and other required or proposed improvements.
 - (5) Ownership. The site proposed for any multiple-occupant commercial establishment shall be held in single ownership or in unified control; and the applicant shall provide to the Township evidence of said ownership and/or control.

Part 2 Performance Standards

§27-59 Intent and Applicability

The intent of this Part 2 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 chapter may be undertaken and maintained if it conforms to all applicable requirements of this chapter, including the standards in this Part 2 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 Part 2 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.

§27-60 Setbacks and Buffers

Unless otherwise regulated by this chapter, where a nonresidential use is proposed contiguous to any existing residential dwelling and where a C-1 or I-1 District adjoins any R-1, R-2, or R-3 District the minimum size of the abutting setback 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 §27-60. Storage of equipment, supplies, products or any other materials shall not be permitted in any front setback or side setback.

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

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than fifteen (15) feet.
- C. A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting. Plants shall be species identified by Chapter 22 (Subdivision and Land Development).
- 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 (2) 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 Chapter 22 (Subdivision and Land Development). 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.

§27-61 Landscaping

A landscaping plan for the proposed project shall be submitted by the developer for review and approval by the Township. Where the project involves landscaping of more than one-half (0.5) acre the plan shall be prepared by a qualified registered landscape architect. Landscaping for land developments shall comply with the requirements of Chapter 22 (Subdivision and Land Development). The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- A. All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
 - B. Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
 - C. Plants shall be species identified by Chapter 22 (Subdivision and Land Development).
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- D. Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five (5) years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses or variances.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one (1) year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.

§27-62 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 (1) 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.
 - (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.
 - (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.
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- 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. In the C and BD/LI District, trailers, painted one (1) color without advertising and maintained in good condition, may be used as accessory structures provided all wheels and axles are removed, the trailers are erected and maintained as structures, and are screened from view from adjoining properties in accord with §27-60. Trailers, painted one (1) 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 chapter and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

§27-63 Fire and Explosion Hazards

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

§27-64 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.

§27-65 Noise

The Township may require the applicant to document compliance with this §27-65.

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.
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- (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 because 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 §27-65 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 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 §27-65B(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 accord with §27-65C 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-1, R-2, R-3	OS	A-R, C-1	I-1
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 §27-65B, 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 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 make a reasonable effort to 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, or the Zoning officer's designee, 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, or the Zoning officer's designee, 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 (1) 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 fifteen (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 (Ls) 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, Ls equals L2 minus L1 as shown in log notation below which is the basis for decibel calculations.
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$$L_s = 10 \log_{10} \left(10^{\frac{L_2}{10}} + 10^{\frac{L_1}{10}} \right)$$

- 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 Zoning Officer's designee, (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
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equipment or sources.

F. Studies for Proposed Use.

- (1) Compliance with Standards. Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §27-65 by providing reasonable documentary evidence, which may include:
 - (a) 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
 - (b) Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).
- (2) Loudspeakers. The applicant shall provide specifications for any proposed exterior loudspeakers and detail how compliance will be attained.
- (3) 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 §27-65 and/or any zoning approval.

G. Exceptions. The standards in this §27-65 do not apply to:

- (1) Radiated noise levels for vehicles or other operations subject to state or federal preemption.
- (2) The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between sunrise and sunset.
- (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.
- (6) Discharge of firearms.

§27-66 Vibration

Operating or permitting the operations of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at fifty (50) feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, *vibration perception threshold* means the minimum ground-or- structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

§27-67 Lighting and Glare

The standards of this §27-67 shall also apply to residential and agricultural uses. Lighting shall be controlled in

both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site. Any proposal which is considered a land development as defined by Chapter 22 (Subdivision and Land Development) shall be governed by the lighting and glare standards in that chapter. Following the establishment of any land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of this §27-67 and violations shall be subject to the enforcement provisions of this chapter.

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

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

B. Applicability.

- (1) This §27-67 shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
- (2) Exemptions. The following lighting applications are exempt from the requirements of this §27-67:
 - (a) Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
 - (b) Lighting for public monuments and statuary.
 - (c) Underwater lighting in swimming pools and other water features.
 - (d) Low voltage landscape lighting.
 - (e) Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.
 - (f) Temporary lighting for theatrical, television, performance areas and construction sites.
 - (g) Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.
 - (h) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards.

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- (1) Illumination Levels. Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA) unless otherwise directed by the Township.
 - (2) Luminaire Design.
 - (a) Horizontal Surfaces
 - [1] For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
 - [2] Luminaires with an aggregate rated lamp output not exceeding five hundred (500) lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.
 - (b) Non-horizontal Surfaces
 - [1] For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
 - [2] Luminaires with an aggregate rated lamp output not exceeding five hundred (500) lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this §27-67C(2)(b).
 - (3) Control of Glare.
 - (a) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
 - (b) Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than forty-five (45) degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.
 - (c) Barn lights, also known as dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
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- (d) Reserved
- (e) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be extinguished after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted as a conditional use.
- (f) Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §27-67C(3)(e). The use of motion detectors is permitted.
- (g) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- (h) Light Spillover.
- (1) Residential. The illumination projected from any use onto a residential use or permanent open space shall at no time exceed one-tenth (0.1) initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs
- (2) Nonresidential. The illumination projected from any property onto a non-residential use shall at no time exceed one (1) initial footcandle, measured line-of-sight from any point on the receiving property
- (i) Height. Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of sixteen (16) feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of one hundred (100) or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed twenty-five (25) feet AFG. For maximum mounting height of recreational lighting, see §27-67D.
- (j) The United States, state and other official flags may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed seven thousand (7,000) aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag.
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- (k) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum density shall not exceed thirty (30) initial footcandles.
- (l) Soffit lighting around building exteriors shall not exceed fifteen (15) initial footcandles.
- (m) The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.
- (4) Installation.
- (a) Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.
- (b) Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, shielded by steel bollards or protected by other effective means.
- (c) Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.
- (d) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
- (e) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.
- (5) Maintenance. Luminaires and ancillary equipment shall be maintained to meet the requirements of this chapter.
- (6) Billboards and Signs. The lighting of new or relighting of existing billboards and signs shall require a permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:
- (a) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Township that such a mounting arrangement is not possible. At no point on the face of the sign or billboard and at no time shall the illumination exceed thirty (30) vertical
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footcandles during hours of darkness.

- (b) Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed five hundred (500) initial lumens per square foot of sign face per side.
- (c) The illumination of a billboard within four hundred (400) feet of a residential use shall not be permitted.
- (d) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- (e) The use of highly reflective signs that creates nuisance glare or a safety hazard shall not be permitted.

D. Recreational Uses. The nighttime illumination of outdoor recreational facilities for such sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally permitted luminaire mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

- (1) Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A visual impact analysis shall be required in accord with §27-67D(6).
- (2) A proposed illuminated recreational facility located within a R-1, R-2 or R-3 District or sited on a nonresidential property located within one thousand (1,000) feet of a property in a R-1, R-2 or R-3 District shall be considered a conditional use.
- (3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games.
- (4) The Township reserves the right to limit the number of illuminated sporting events per week or season.
- (5) Maximum mounting heights for recreational lighting shall be in accordance with the following:

- (a) Basketball.....20 feet
- (b) Football70 feet
- (c) Soccer.....70 feet
- (d) Lacrosse.....70 feet
- (e) Baseball and softball
 - 1) 200-foot radius 60 feet
 - 2) 300-foot radius 70 feet
- (f) Miniature golf20 feet
See driving range in §27-67D(1)
- (g) Swimming pool aprons..... 20 feet

- (h) Tennis.....20 feet
- (l) Track.....20 feet
- (j) All uses not listed20 feet

(6) Visual Impact Plan. To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §27-67E, but also by a Visual Impact Plan that contains the following:

- (a) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
- (b) Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
- (c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of five-foot line-of-sight.
- (d) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §27-67C(3).
- (e) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
- (f) A narrative describing the measures proposed to achieve minimum off-site disturbance.

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

- (1) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.
- (2) A ten (10)-foot by ten (10)-foot illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to zero (0.0) footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this chapter. When the scale of the plan, as judged by the Township, makes a ten (10)-foot by ten (10)-foot grid plot illegible, a more legible grid spacing may be permitted.
- (3) Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
- (4) Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.

- (5) Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (6) When requested by the Township for conditional uses , the applicant shall also submit a Visual Impact Plan in accord with §27-67D(6).
- (7) Plan Notes. The following notes shall appear on the Lighting Plan:
 - (a) Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.
 - (b) The Township reserves the right to conduct post-installation inspections to verify compliance with chapter requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.
 - (c) All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.
 - (d) Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

F. Compliance Monitoring.

- (1) Safety Hazards. If the Zoning Officer determines that a lighting installation creates a safety hazard, an enforcement proceeding shall be initiated.
- (2) Nuisance Glare and Inadequate Illumination Levels. If the Zoning Officer determines that a lighting installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the requirements of this chapter, enforcement proceedings shall be initiated.

G. Non-Conforming Lighting. A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this §27-67 when:

- (1) It is deemed by the Zoning Officer to create a safety hazard;
 - (2) It is replaced, abandoned or relocated;
 - (3) There is a change in use; or
 - (4) Minor corrective action is deemed appropriate by the Zoning Officer to bring the fixture or installation into conformance with the requirements of this chapter. Minor corrective action shall be defined as
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having a cost not to exceed twenty-five (25) percent of the cost of the replacement of the fixture or installation.

- H. Definitions. Words and phrases used in this §27-67 shall have the meanings set forth in this 27-67H. Words and phrases not defined in this §27-67 but defined in Article II shall be given the meanings set forth in Article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

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

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

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

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

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

IESNA. Illuminating Engineering Society of North America

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

LED - Light Emitting Diode.

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

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

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

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

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

§27-68 Odors

No emission shall be permitted of odorous gases or other odorous matter except in full compliance with PA Department of Environmental Protection requirements.

§27-69 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.

§27-70 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.

§27-71 Stormwater Management and Soil Erosion Control

- A. Plan required. A stormwater 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 Chapter 22 (Subdivision and Land Development), the Township's effective Stormwater Management Ordinance or other applicable Township regulations, County Conservation District standards, and PA DEP regulations and standards; and shall be based on generally accepted engineering principles appropriate for the proposed use.
- B. Stormwater Control Ordinance. In any area of the Township where a stormwater management plan has been prepared and adopted in accord with the Pennsylvania Stormwater Management Act, including, but not limited to, the Chatham Run Watershed Stormwater Management Plan of 2006, the provisions of the Township's effective Stormwater Management Ordinance shall apply.

§27-72 Waste Materials

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial, residential or other 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 stormwater 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.

§27-73 Handicapped Access

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

requirements.

§27-74 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 not be permitted.

§27-75 Security

In cases where deemed necessary by the Township (detention facilities and drug treatment centers, for example), the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, 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.

§27-76 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.

§27-77 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.

§27-78 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.

§27-79 Waste Containers

All commercial, residential and other uses shall provide adequate waste containers to store waste until disposal and to prevent litter.

- A. Screening. All trash dumpsters shall be screened as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

- B. Setback from Dwellings. Any solid waste container with a capacity over fifteen (15) cubic feet shall be kept a minimum of fifteen (15) feet from any property line.
- C. Food Sales. Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least one (1) outdoor solid waste receptacle for customer use at a convenient location outside of the main exit door of the property. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.
- D. Enclosed Containers. Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodent and insects.

§27-80 Other Regulations

The Zoning Officer, Planning Commission, Board of Supervisors or the Zoning Hearing Board, as the case may be, shall 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.

Part 3 Environmental Protection

§27-81 Environmental Impact Statement

The intent of this §27-81 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental impact statement (EIS) for the following types of developments and uses:

- (1) Industrial parks.
- (2) Industrial uses.
- (3) Junkyards.
- (4) Mineral extraction including oil and gas wells.
- (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) Transmission pipelines and hazardous liquid pipelines.
- (11) Pipeline compressor stations, metering stations or operation/maintenance facilities.
- (12) Any nonresidential use involving the initial or cumulative disturbance of two (2) acres or more of soil surface areas.
- (13) Any nonresidential use involving the initial or cumulative construction, installation and/or placement of one (1) acre or more of buildings, structures or other impervious surface areas.

The requirements of this §27-81 may be applied to any other proposed conditional use, 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 and/or Planning Commission, as the case may be, may waive certain components of the EIS should such components be deemed unnecessary for certain uses.

- A. Purpose of EIS. The purpose of this EIS is to disclose the environmental and community consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment and community.
- B. Contents of EIS. An Environmental Impact Statement shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the impact. The EIS shall also include a comprehensive description of the existing environment and community and the probable future effects of the proposal. The description shall focus on the elements of the environment and community most likely to be affected as well as potential regional effects and ecological interrelationships.

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

(1) Soil Types.

- (a) U.S.D.A. Soil Types (show on map)
- (b) Permeability of soil on the site.
- (c) Rate of percolation of water through the soil for each five (5) acres.

(2) Surface Waters.

- (a) Distance of site from nearest surface water and head waters of streams.
- (b) Sources of runoff water.
- (c) Rate of runoff from the site.
- (d) Destination of runoff water and method of controlling downstream effects.
- (e) Chemical additives to runoff water on the site.
- (f) Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the County Conservation District.
- (g) Said information shall be set forth in a stormwater management plan meeting the requirements of Chapter 22 (Subdivision and Land Development) and the Township's effective Stormwater Management Ordinance.

(3) Ground Cover Including Vegetation and Animal Life.

- (a) Extent of existing impervious ground cover on the site.
- (b) Extent of proposed impervious ground cover on the site.
- (c) Type and extent of existing vegetative cover on the site.
- (d) Extent of proposed vegetative cover on the site.
- (e) Type of animal life and effect on habitat.

(4) Topographic and Geologic.

- (a) Maximum existing elevation of site.
 - (b) Minimum existing elevation of site.
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- (c) Maximum proposed elevation of site.
 - (d) Minimum proposed elevation of site.
 - (e) Description of the topography of the site and any special topographic features, and any proposed changes in topography.
 - (f) Surface and subsurface geology
- (5) Ground Water.
- (a) Average depth to seasonal high-water table.
 - (b) Minimum depth to water table on site.
 - (c) Maximum depth to water table on site.
 - (d) Quality
- (6) Water Supply.
- (a) The source and adequacy of water to be provided to the site.
 - (b) The expected water requirements (gallons per day) for the site.
 - (c) The uses to which water will be put.
- (7) Sewage Disposal.
- (a) Sewage disposal system (description and location on the site, of system).
 - (b) Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
 - (c) Expected daily volumes of sewage.
 - (d) Affected sewage treatment plant present capacity and authorized capacity.
- (8) Solid Waste.
- (a) Estimated quantity of solid waste to be developed on the site during and after construction.
 - (b) Method of disposal solid waste during and after construction.
 - (c) Plans for recycling of solid waste during and after construction.
- (9) Air Quality and Odor.
- (a) Expected changes in air quality and odor due to activities at the site during and after construction.
 - (b) Plans for control of emissions affecting air quality and odor.
- (10) Noise.
- (a) Noise levels, above existing levels, expected to be generated at the site, (source and magnitude), during and after construction.
 - (b) Proposed method for control of additional noise on site during and after construction.
- (11) Land and Water Surface Use and Community Character.
- (a) Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.
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- (b) Adjoining land uses and values and character of the area.
- (c) Type and concentration of existing watercraft uses.

- (12) Critical Impact Areas. Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than fifteen (15) percent, highly acid or highly erodible soils, areas of high-water table, and mature stands of native vegetation and aquifer recharge and discharge areas
- (13) Historic Resources. Identification of structures or sites of historic significance and probable effect of project.
- (14) Transportation Network. Existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads a copy of the traffic study required by PennDOT shall be submitted and in the case of Township roads, the study shall be conducted in accord with PennDOT requirements.
- (15) Law Enforcement. Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.
- (16) Community Facilities and Services. Existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.
- (17) Additional Requirements. In addition to the above requirements the Planning Commission and/or Township Board of Supervisors or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.

C. Additional Considerations. The following shall also be addressed:

- (1) A description of alternatives to the proposed use.
- (2) A statement of any adverse impacts which cannot be avoided.
- (3) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
- (4) A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
- (5) A listing of steps proposed to minimize environmental damage to the site and region during and after construction.

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

E. Procedures for Evaluating the Environmental Impact Statement Shall be as Follows.

- (1) Upon receipt of the application the Township shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- (2) The above-mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.
- (3) The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EIS.
- (4) Copies of the EIS shall be on file and available for inspection in the Township office.
- (5) The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

§27-82 Special Conservation Standards

All uses permitted by this chapter shall be subject to the following special conservation performance standards which shall apply to any lands that are characterized as steep slopes, wetlands or flood plains, except that these provisions do not apply where the applicant proposes to join two (2) existing parcels into a single parcel, or to subdivide a parcel from one (1) parcel and join that with an adjoining tract of land, and where no new development is proposed on the resulting lots. The procedures and standards are as follows:

A. Steep Slope Areas.

- (1) General Requirements. Steep slopes shall be defined as slopes of twenty-five (25) percent or more as determined by the Zoning Officer. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Qualified Professional 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.
- (2) Development on Steep Slopes. 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 Qualified Professional 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 clearing, 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 applicant shall demonstrate that the proposed development cannot be accomplished on areas of the lot where the slope is less than twenty-five (25) percent.

- (d) No finished grade where fill is used shall exceed a slope of three (3) feet horizontal to one (1) foot vertical.
 - (e) Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.
 - (f) Soils characterized by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
 - (g) Roads and utilities shall be installed along existing contours to the greatest extent possible.
 - (h) Any steep slope areas also characterized by seasonal high-water tables shall be avoided.
 - (i) 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.
 - (j) 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).
- (3) Limitation of Disturbance. Clearing, filling and grading shall be limited to the areas on the approved plan designated for clearing and grading.

B. Buffers for Wetlands.

(1) Identification.

- (a) Delineation. If the Township reasonably anticipates that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to be delineated and shown on any application proposing a new use or expanded use of land.
 - (b) Applicant Responsibility. The Applicant shall be responsible for said delineation and supply to the Township a written report from the individual, partnership, corporation or other entity which performed the wetlands delineation fully describing the methodology used. Notwithstanding receipt of such delineation and report, the Township may require the Applicant to submit, at no cost to the Township, an additional wetlands delineation of the site and report as to methodology, from a second source for purposes of verification. In the event of discrepancy between delineations, the Applicant shall obtain a jurisdictional determination.
 - (c) Jurisdictional Determination. The Township may also require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers.
 - (d) Certification of No Wetlands. If no wetlands are present, the applicant shall provide a certified statement to that effect.
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- (2) Wetland Buffer Required. A buffer of twenty-five (25) feet in width, measured perpendicular to and horizontally from the edge of the wetland, shall be maintained from the edge of all wetlands.
- (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 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.
- (3) Protection. No land shall be disturbed within any required buffer area except in accord with Township requirements and the required buffer around the delineated wetland boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed prior to any site disturbance or issuance of building permits. The fence must be properly maintained until all certificates of use have been issued.
- (4) Common Area. The Township may require that significant designated wetlands be retained in a single ownership common area rather than incorporated as additional area in platted lots to facilitate management for maintenance of environmental quality. Owners of the wetland mitigation areas must be clearly identified on the plan.
- (5) Mitigation Projects. Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot or common area owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the federal and state governments.
- (6) State and Federal Regulations. Any approval under this chapter shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- (7) Liability. 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 or responsibility to the applicant or any other person for compliance with said regulations.
- C. Stream Buffer. A buffer of twenty-five (25) feet in width shall be maintained along all streams.
- (1) Encroachments and obstructions as defined and approved by PA DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
 - (2) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
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- (3) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township's effective Floodplain Management Ordinance.

§27-83 Reserved

§27-84 Grading Operations

The grading of a lot, parcel or any site involving cuts and/or fills with an average depth greater than five (5) feet over an area of one (1) acre or more shall require a conditional use permit when such grading is not part of an approved subdivision or land development plan. When a conditional use permit is required, the following standards and requirements shall apply:

- A. Plan. The applicant shall submit a grading plan and drainage plan and report, prepared by a registered engineer or land surveyor, which include existing and proposed contours with an interval not exceeding two (2) feet at a scale not greater than 50 feet to the inch, and an analysis of existing and proposed conditions.
- B. Stormwater. The proposed grading shall not result in an increase in the rate of stormwater runoff from the site, nor an alteration of the existing points of discharge from the property without the written approval of all affected property owners.
- C. Slopes. No resulting slope shall be steeper than two (2) horizontal to one (1) vertical unless it is constructed according to a suitable design of an alternative slope which has been prepared and certified by a registered professional engineer and accepted by the Township.
- D. Hazardous Conditions. The proposed grading shall not result in a condition hazardous to the public. During construction, suitable fences or barriers shall be installed where necessary to maintain the public safety.
- E. Clear Zone. The proposed grading shall not adversely affect the *clear zone*, as defined by PennDOT, of any public road.
- F. Erosion and Sedimentation Control. The applicant shall obtain all required approvals for soil erosion and sedimentation from the County Conservation District and PA DEP and provide copies to the Township.

§27-85 Traffic Impact Study (TIS)

- A. Intent. 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:
- (1) Ensure that proposed uses do not adversely affect the transportation network.
 - (2) Identify any traffic problems associated with site access.
 - (3) Determine traffic problems on private, Township, County or State roads in the project traffic study area.
 - (4) Assist in the protection of the safety of the motoring public, air quality, and energy conservation.
- B. TIS Requirement.
- (1) Thresholds. A TIS shall be required for all 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.

- (2) 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 following types of developments and uses:
- (a) Industrial parks.
 - (b) Industrial uses.
 - (c) Junkyards.
 - (d) Mineral extraction including oil and gas wells.
 - (e) Mineral processing.
 - (f) Agricultural products processing.
 - (g) Solid waste facilities and staging areas.
 - (h) Warehouses and trucking terminals.
 - (i) Concentrated animal feeding operations.
 - (j) Transmission pipelines and hazardous liquid pipelines.
 - (k) Pipeline compressor stations, metering stations or operation/maintenance facilities.
 - (l) Any nonresidential use involving the initial or cumulative disturbance of two (2) acres or more of soil surface areas.
 - (m) Any nonresidential use involving the initial or cumulative construction, installation and/or placement of one (1) acre or more of buildings, structures or other impervious surface areas.
 - (n) Any drive-in use.

The requirements of this §27-85 may be applied to any other proposed conditional use, 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 and/or Planning Commission, as the case may be, may waive certain components of the TIS should such components be deemed unnecessary for certain uses.

- C. Professional Requirements. The TIS shall be prepared by a registered professional engineer or transportation planner with verifiable experience in preparing such studies.
- D. Study Methodology.
- (1) State Roads. In cases where PennDOT requires a TIS for access to a state road, a separate TIS shall not be required by the Township. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
 - (2) Township Roads. If a TIS is required for access to a Township Road, the TIS shall be prepared in accord with PennDOT methodology.

§27-86 to §27-87 Reserved.

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

In addition to all other applicable standards in this chapter, the standards in this Article VIII, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other 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.

§27-88 Adult Businesses [See also Chapter 6 (Conduct), Part 2 (Obscene Materials and Performances.)]

- A. 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.
- (1) 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.
 - (2) Behavior. Certain employees of sexually oriented business regulated by this chapter as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
 - (3) 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 chapter as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
 - (4) Unhealthy Conditions. Offering and providing such space, encourages such activities, which create unhealthy conditions.
 - (5) 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.
 - (6) Communicable Diseases. At least 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.
 - (7) Unsanitary 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
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activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.

B. Intent. It is the intent of this §27-88 to:

- (1) 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.
 - (2) Zoning District. Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
 - (3) 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.
 - (4) 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.
 - (5) Intended Market. Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
 - (6) 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.
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C. Standards. The following standards shall apply to adult businesses:

- (1) Setback. Adult businesses shall not be located less than five hundred (500) feet from any:
 - (a) Building used primarily for worship.
 - (b) Public or private school or college.
 - (c) Public recreation building or facility.
 - (d) Public library.
 - (e) Public museum.
 - (f) Child day care center.
 - (g) Commercial enterprises catering primarily to persons less than eighteen (18) years of age.
 - (h) Gaming establishment.
 - (2) Similar Businesses. Adult businesses shall not be located within one thousand (1,000) feet of any other adult business.
 - (3) Measurement. The setbacks established in this §27-88 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.
 - (4) 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 of this chapter, but only in accord with the limitations of this chapter.
 - (5) Limit of One (1) Use. It shall be a violation of this chapter 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.
 - (6) Nonconformity. Any adult business lawfully operating on the date of enactment of this chapter that is in violation of any of the provisions of this §27-88 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except as permitted in §27-88C (4). The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this chapter be changed to any other type of adult business.
 - (7) 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 §27-88C (1) is developed within the required setback distance.
 - (8) Lighting. Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this chapter.
 - (9) 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,
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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.

- (10) 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.
- (11) 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.
- (12) 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.
- (13) Hours of Operation. The use shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
- (14) 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.
- (15) 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.
- (16) State Law Compliance. As a specific condition of approval under this chapter, 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).
- (17) 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 §27-88:

§27-89 Reserved

§27-90 Airports and Heliports

The procedures and standards in this §27-90 shall apply to all existing and proposed airports and heliports:

- A. Approval Required. 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 zoning approval has been granted. The following shall constitute changes at an airport requiring approval prior to the change:

- (1) Any extension of a runway's length or location;
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- (2) Any change in the height of a runway;
 - (3) 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;
 - (4) Any change of runway direction or alignment;
 - (5) Any change in the status of taxiways or holding areas affecting the location or extent of any airport hazard zones;
 - (6) 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.
 - (7) 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.
- B. Application Contents. The application for conditional use shall contain the following documents and information:
- (1) A full narrative description of the airport and any changes proposed.
 - (2) Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.
 - (3) Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.
 - (4) 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.
 - (5) A plan showing how the lands or air rights negatively affected shall be acquired, if necessary.
 - (6) A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of 75 feet from the surface of said lands by the change in airport hazard zones.
 - (7) A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.
- C. 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.
- D. 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 14 days before the date of the hearing.
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- E. Criteria to Review. In acting on a conditional use, the Supervisors shall consider:
- (1) The effect upon reasonable use of properties affected by the proposal
 - (2) How the applicant plans to acquire any necessary air rights.
 - (3) The character of the flying operations expected to be conducted at the airport;
 - (4) The nature of the terrain within the airport hazard zone area;
 - (5) The character of the community which is affected by the proposal.
 - (6) The effect upon roads, development and transportation routes;
 - (7) The provision of hazard lighting and marking;
 - (8) The importance of aircraft safety.
- F. Runway and Landing Pad Setbacks. The edges and ends of any runway and/or helicopter landing pad shall be a minimum of two hundred fifty (250) feet from any property line.

§27-91 Amusement Parks

The standards in this §27-91 shall apply to all amusement parks.

- A. Parcel Size. A minimum parcel of five (5) acres shall be required.
- B. 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.
- C. Hours of Operation. Hours of operation shall be limited to the period between 9:00 a.m. and 11:00 p.m.

§27-92 Animal Husbandry; Keeping of Chickens on Residential Lot

- A. State Protected Agricultural Operations. Nothing in this chapter 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.
- B. Animal Husbandry, Commercial.
- (1) Minimum Parcel Size. The minimum parcel size for animal husbandry shall be 10 acres plus the minimum required lot area required for the district if a dwelling is located on the parcel
 - (2) 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.
 - (3) 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 §27-68.

- C. Chickens on Residential Lot. A reasonable number of chickens, excluding any roosters, may be kept on a residential lot without a zoning permit.
 - (1) Reasonable Number. Defined as the number of chickens an individual can manage within the restrictions of this chapter but not to exceed five (5) chickens per each ten thousand (10,000) square feet of lot area.
 - (2) Confinement/Fences. All chickens shall be confined within the owner’s property. All coops and fences used to confine chickens shall maintain a setback of not less than five (5) feet from all property lines.
 - (3) Nuisance. All premises shall be maintained to prevent any public nuisance or violation of Chapter 2 (Animals).
 - (4) Wastes. All chicken waste shall be managed to prevent any public health concerns and water quality degradation. Manure management shall comply with the best practices established by the County Conservation District.
 - (5) Commercial Operations. The keeping of chickens for any commercial purpose shall be defined as *animal husbandry, commercial* and shall meet the requirements of §27-92B.

§27-93 Animals, Keeping of

TABLE 180-93 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES					
Type of Use	Minimum Lot Size (acres)	Number of Horses per Full Acre	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stables in AR and OS Districts	1	1	50	50	100
Commercial Stables / Horses for Hire (where permitted)	5	2	100	75	100
Animal Shelters and Kennels (where permitted)	5	not applicable	100	100	200
*Applies to any public or private road right-of-way. **Applies to any existing principal residential or commercial building not located on the project premises.					

- A. Animal Shelters and Kennels.
 - (1) Parcel Size. A minimum parcel of five (5) acres shall be required.
 - (2) Setbacks. Any structure, outdoor kennels, or animal exercise areas used for the keeping of animals shall meet the setbacks on Table 180-93.
 - (3) Parking. Adequate off-street parking shall be provided pursuant to this chapter with one (1) space for each nonresident employee and one (1) space per four (4) animals kept on the premises.
 - (4) 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.

- (5) 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 §27-93A (2) until disposed of and proof of such disposal shall be provided to the Township upon request.
- (6) Nuisances. All animal wastes shall be stored in an area meeting the setbacks in §27-93A (2) 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.

B. Stables, Private. A private stable is permitted in AR and OS Districts in accord with the Schedule of Uses and the following:

- (1) Parcel Size. A minimum parcel of one (1) acre shall be required which includes the dwelling.
- (2) Number of Horses. One (1) horse may be kept on the initial one (1) acre plus one (1) additional horse for each additional full acre.
- (3) Building Size. The building used to house a horse shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- (4) Fences. All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means. All such fences shall maintain a setback of not less than five (5) feet from all property lines.
- (5) 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 180-93.
- (6) Existing Structures. On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, where the structure does not meet the required setbacks on Table 180-93, 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
- (7) Nuisances; Manure Management. The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property and the applicant shall provide a plan for soil erosion and sedimentation control and manure management in accord with County Conservation District best practices for approval by the Township.
- (8) Uses Permitted. The following types of uses shall be permitted as part of the operation:
 - (a) Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - (b) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806.
 - (c) Boarding of horses.

C. Stables, Commercial. Commercial stables, including horses for hire, shall, in addition to all other applicable

requirements of this chapter, comply with the following:

- (1) 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 of this chapter and other applicable standards are met.
- (2) Number of Horses. The number of horses permitted shall not exceed two (2) horses per every full one (1) acre of land.
- (3) Building Size. The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- (4) Fences. All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means. All such fences shall maintain a setback of not less than five (5) feet from all property lines.
- (5) Parking. Adequate off-street parking shall be provided pursuant to this chapter with one (1) space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- (6) Setbacks. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 180-93.
- (7) Nuisances; Manure Management. The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management in accord with County Conservation District best practices for approval by the Township.
- (8) Uses Permitted. The following types of uses shall be permitted as part of the horse farm operation:
 - (a) Breeding, raising, keeping and sale of horses, and necessary buildings and structures
 - (b) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806.
 - (c) Boarding of horses, and necessary buildings and structures.
 - (d) The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 - (e) Sale of horses other than the horses raised or boarded on the premises.
 - (f) Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

§27-94 Archery Ranges -- Outdoor Commercial

This §27-94 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.

- A. 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
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on the effective date of this §27-94. This shall not apply to structures on the same parcel as the shooting range.

- B. 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 §27-94. 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.
- C. 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.
- D. Fence. Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.
- E. Posting. The perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.
- F. 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.

§27-95 Bed and Breakfast Establishments

- A. Parking. Adequate off-street parking shall be provided in accord with this chapter with the minimum number of parking spaces provided as follows: one (1) space for each rentable room, one (1) space for each nonresident employee, and two (2) spaces for the dwelling unit.
- B. Number of Rooms. Not more than five (5) rentable rooms shall be provided in the establishment.
- C. Supervision. The owner or manager of the bed and breakfast shall reside on the premises.
- D. Nonconforming Lots. Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.
- E. Food Services. Food service shall only be provided to overnight bed and breakfast guests.

§27-96 Reserved

§27-97 Bulk Fuel Storage Facilities

Bulk fuel storage facilities shall comply with this §27-97. 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.

- A. Parcel Size. Bulk fuel storage facilities shall be located on a tract of land not less than five (5) acres in area.
 - B. Setbacks. Storage tanks shall be located not less than one hundred 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.
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- C. 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.

§27-98 Camps/Retreats

Camps/retreats shall comply with the following:

- A. Parcel Size. The minimum parcel size shall be twenty (20) acres.
- B. 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.
- C. Occupancy. Camp/retreat lodging units shall be used only for transient occupancy (see definition in §27-12). 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.
- D. 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 22 (Subdivision and Land Development) and all other applicable regulations.
- E. Camp/Retreat Lodging Units.
- (1) 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.
 - (2) Camp/retreat lodging units may be located in single-unit detached or multi-unit structures.
- F. Recreational Vehicles. The use of recreational vehicles as camp/retreat lodging units shall not be permitted.
- G. Setbacks and Building Separation.
- (1) No lodging or dwelling unit or principal 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.
 - (2) The following standards shall apply:
 - (a) Building spacing:
 - [1] between lodging and/or dwelling units and/or principal structures: not less than thirty (30) feet.
 - [2] between accessory structures and lodging and/or dwelling units and other accessory structures: not less than twelve (12) feet.
 - (b) Setback of all buildings and accessory structures from internal roads: not less than thirty-five (35) feet.
- H. Facilities.
- (1) 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.
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- (2) 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.

I. Land Development Plan.

- (1) A land development plan meeting the requirements of Chapter 22 (Subdivision and Land Development) shall be required.
- (2) 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.
- (3) 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.
- (4) The plan shall include all proposed access roads, stormwater facilities, sewage disposal and other improvements required to service the proposed units.
- (5) The specific location of each unit shall be identified at the time of application for zoning and building permits.

- J. 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 22 (Subdivision and Land Development) however paving shall not be required and the base course of PennDOT No. 2A Aggregate shall be increased to eight (8) inches.

§27-99 Reserved

§27-100 Concentrated Animal Operations (CAO) and Concentrated Animal Feeding Operations (CAFO)

- A. State Regulations. All concentrated animal operations and concentrated animal feeding operations shall meet the requirements set forth in the PA Nutrient Management Regulations and Act 38 of 2005, the ACRE legislation, for the preparation and submission of Nutrient Management Plans. In particular, all such operations shall meet the standards pertaining to nutrient application, manure management, and manure storage facilities. Nothing in this §27-100 or chapter is intended, nor shall be applied or interpreted, to attempt to regulate those aspects of CAOs and CAFOs which are specifically regulated by the PA Nutrient Management Act, Act 38 of 2005, and/or the Agricultural Security Law.
- B. Required Information. All applications to the County for new or expanded concentrated animal operations and/or concentrated animal feeding operations initiated after the effective date of this Ordinance shall, in addition to all other information required by this chapter, include the following information:
- (1) a detailed, written description of the type and size of operation being proposed;
 - (2) a site plan illustrating the proposed location of all outdoor feedlots, animal confinement buildings, manure storage facilities, and manure application areas, and their relation to existing occupied dwellings (other than the owner's residence);
 - (3) a copy of the applicant's Nutrient Management Plan, reviewed and approved by the County Conservation District, designated Nutrient Management Specialist, or another appropriate agency;
 - (4) a copy of the applicant's Odor Management Plan, reviewed and approved by the County Conservation
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District, designated Odor Management Specialist, or another appropriate agency or individual; and

- (5) a copy of the applicant's Pest Control Plan.
- C. Setback. At a minimum, buildings in which livestock and/or poultry are to be housed (temporarily or permanently) shall be erected at least 100 feet from all property lines and dwellings (other than the owner's residence). Where however, more restrictive setback requirements are established in the Nutrient Management Regulations, then those standards shall apply.
- D. Floodplain. No manure storage facilities shall be permitted to be located within the 100-year floodplain.

§27-101 Contractor Yards and Staging Areas for Equipment/Materials

The intent of this §27-101 is to provide standards for access to public roads and setbacks for contractor yards and staging areas for equipment/materials.

A. Access to Public Roads.

- (1) Highway Occupancy Permit. Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- (2) Stabilization. The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- (3) Weight Limitations. All operations shall comply with all posted weight limits and road bonding regulations.
- (4) Access Routes; Road Conditions. The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township Road which will be used and the potential damage which may occur from such use. The Applicant shall also comply with the Township Road bonding requirements.

B. Setbacks.

- (1) Residential and Nonresidential Buildings. Contractor yards and staging areas for equipment/materials shall not be less than three hundred (300) feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.
- (2) Property Lines. Contractor yards and staging areas for equipment/materials shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.
- (3) Public Roads. Contractor yards shall not be less than fifty (50) feet from any public road right-of-way.
- (4) Streams, Water Bodies and Wetlands. Contractor yards and staging areas for equipment/materials shall not be less than one hundred (100) feet from any stream, water body or wetland.
- (5) 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.

§27-102 Correctional Facilities

The requirements of this §27-102 shall apply to correctional facilities.

- A. Parcel Size. In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of ten (10) acres.
- B. Site Design Standards. The site shall be improved in accordance with the following minimum requirements:
- (1) 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:
 - (a) residence
 - (b) group care facility
 - (c) commercial enterprises catering primarily to persons under eighteen (18) years of age
 - (d) public or semi-public building
 - (e) public park or public recreation facility
 - (f) health facility
 - (g) House of worship or related use, or other similar religious facility
 - (h) public or private school
 - (2) A perimeter security fence, of a height and type determined by the Township, may be required.
- C. 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.
- D. 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.

§27-103 Reserved

§27-104 Distribution Centers/Truck Terminals

The requirements in this §27-104 shall apply to distribution centers/truck terminals.

- A. 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.
- B. 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.
- C. Access. The site shall have direct access to a public arterial or collector road.

§27-105 Explosives and Fireworks Plants or Storage Facilities

Explosives plants or storage facilities and fireworks plants or storage facilities (referred to as *facilities*) shall be

allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards of this chapter, the following shall apply.

- A. 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 §27-105B.
- B. Buffer.
- (1) Buffer Required - An undisturbed area of not less than fifty (50) feet wide 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) 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.
 - (3) 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 Chapter 22 (Subdivision and Land Development).
 - (4) 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.
- C. 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.
- D. 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.
- E. Informational Requirements.
- (1) Application Information - The applicant and/or operator for all facilities shall provide the information required by this §27-105E, all other application information required by this chapter, and all other necessary information to enable the Township to determine compliance with this chapter.
 - (2) 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.
 - (3) PA DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (PA DEP) Rules and Regulations.
 - (4) Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval in accord with §27-176 and §603(c)(2) of the Pennsylvania Municipalities Planning Code.
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- F. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township copies of all PA DEP-required or PA DEP-issued documents and reports associated with the operation, within 15 days of the date of the document or report.

§27-106 Fireworks (Consumer) Sales

This §27-106 is intended to be consistent with Pennsylvania law relating to the sale of fireworks.

- A. Definitions - The following definitions shall apply to this §27-106. Words not defined in this §27-106A shall be given the meanings set forth in §27-12. All other words and phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

APA 87-1 - The American Pyrotechnics Association Standard 87-1: Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, 2001 edition, or any subsequent edition.

Consumer Fireworks - Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and complies with the provisions for consumer fireworks as defined in APA 87-1 or any successor standard, the sale, possession and use of which is permitted throughout the Commonwealth. The term does not include devices such as ground and hand-held sparkling devices, novelties or toy caps in APA 87-1 or any successor standard, the sale, possession and use of which is permitted at all times throughout the Commonwealth.

Fireworks - Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration or detonation that meets the definition of 1.4G fireworks as set forth in the 2003 International Fire Code, including, but not limited to, those compositions or devices defined in APA Standard 87-1.

Novelties - Articles of trade having amusement value and whose appeal is often transitory, and which is limited to those items for sale described in APA 87-1, §3.2.

- B. Standards. Consumer fireworks shall be sold only from facilities which are licensed by the Department of Agriculture and that meet the requirements of Pennsylvania Act 43 of 2017, as amended, and the other applicable requirements of this chapter.
- C. Code Enforcement Officer Review. All applications for construction, use or renovation of an existing building for the purpose of selling fireworks shall be reviewed by the code enforcement officer for compliance with all applicable building and fire safety code, and the code enforcement officer's comments and/or report shall be copied to the Township-designated fire company(ies).
- D. Temporary Structures. The sale of consumer fireworks from temporary structures shall comply with all requirements of Pennsylvania Act 43 of 2017, as amended, §116 (Mobile Food Service Operations and Mobile Sales Operations) and the other applicable requirements of this chapter.

§27-107 Gaming Establishments

The requirements in this §27-107 shall apply to gaming establishments.

- A. Separation. A gaming establishment shall not be permitted within three hundred (300) 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.

- B. **Setbacks.** No gaming establishment shall be located on the same separately deeded lot or within three hundred (300) 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.
- (1) Children's camp/retreat
 - (2) Child day care facility
 - (3) House of worship or related use, or other similar religious facility
 - (4) Community center
 - (5) Museum
 - (6) Parks and playgrounds
 - (7) School or any kind of educational institution that provides instructions to minors
 - (8) Other lands where minors congregate
 - (9) Any residential use.
- C. **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.

§27-108 Reserved

§27-109 Industrial Wastewater Treatment Facilities and Water Withdrawal Facilities

Industrial wastewater treatment facilities and water withdrawal facilities (referred to as *facilities*) shall comply with this §27-109.

- A. **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 §27-109B.
- (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. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.
- B. **Buffer.**
- (1) An undisturbed area of not less than 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 22 (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.
- C. 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.
- D. 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.
- E. Informational Requirements.
- (1) Application Information - The applicant and/or operator for all facilities shall provide the information required by this §27-109E, all other application information required by this chapter, and all other necessary information to enable the Township to determine compliance with this chapter
 - (2) PA DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (PA DEP) Rules and Regulations.
 - (3) Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions.
- F. Reporting Requirements. For any facility approved by the Township, the operator shall submit to the Township copies of all PA DEP-required or PA DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

§27-110 Reserved

§27-111 Junk Yards [See also Chapter 10 (Health and Safety) Part 2 (Garbage/Junk/Junk Car Accumulation).]
This §27-111 shall apply to junk yards and changes and expansions of nonconforming junk yards.

- A. 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 chapter; and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.
- B. Operating Standards. All junk yards shall be established, maintained, and operated in accord with the following standards:
 - (1) 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.

- (2) Fencing. All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk.
 - (3) 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 affect the required screening as determined by the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.
 - (4) 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, 50 feet to any property line and 200 feet from any adjoining zoning district.
 - (5) Dumping. The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this chapter.
 - (6) Burning. No burning whatsoever shall be permitted on the premises
 - (7) Water Bodies. No junk yard shall be located less than 200 feet from any body of water, stream, wetland or well.
 - (8) Hazardous Materials. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, 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.
 - (9) Water Quality. In cases where the junk yard includes 10 or more junk vehicles or where the Township deems it necessary to meet the intent of this chapter, 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 (1) sample shall be taken from the stream at a point upstream of the junkyard drainage area and one (1) 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 (3) 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 PA DEP requirements.
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- (10) 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.
- (11) 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
- (12) Stacking of Junk. Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- (13) 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.
- (14) 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 chapter. 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
- (15) Fire Resistant Structures. Every structure erected upon the premises and used in connection therewith shall be of fire-resistant construction.

§27-112 Large-scale Retail/Commercial Land Development

A. General Provisions.

- (1) Applicability. This §27-112 applies to all large-scale retail/commercial land developments.
- (2) Intent. This §27-112 addresses the physical relationship between large-scale retail/commercial land development and adjacent properties, public roads, neighborhoods, and natural features, in order to implement The Township's vision for an attractive, efficient, and livable community.

The general intent of this §27-112 is to promote sustainable business development by providing and requiring a unified and organized arrangement of buildings, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped open space, planned and designed as an integrated unit, and in a manner so as to provide an efficient, safe, convenient and attractive shopping and service areas in an area of the Township accessible to a regional road system.

More specifically, large-scale retail/commercial development shall:

- (a) Create safe, efficient and separate pedestrian and vehicular circulation patterns;
 - (b) Protect existing residential areas from incompatible land uses;
 - (c) Result in well-planned and well-designed development in scale and character with the setting;
 - (d) Minimize the conflict between non-residential and residential uses;
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- (e) Manage access along the Township's commercial road frontages;
- (f) Enhance streetscapes along road corridors and monitor and control billboards and other large signs;
- (g) Provide for the extension of existing and future planned pedestrian and bicycle systems through commercial areas in the Township;
- (h) Accommodate planned interconnected Township and regional open space within commercial areas;
- (i) Protect large trees and other natural resources in accordance with the conservation design process in Chapter 22 (Subdivision and Land Development); and,
- (j) Protect property values.

- (3) Conflict. In the case of conflict between this §27-112 and the other requirements of this chapter or Chapter 22 (Subdivision and Land Development), the more restrictive standard shall apply.

B. Land Development Standards.

- (1) Intensity of Development, Area and Bulk Regulations. Intensity of development shall be determined by meeting all standards herein, as well as all requirements of the zoning district in which the tract is located and the applicable requirements of Chapter 22 (Subdivision and Land Development).
- (2) Traffic Design. Large-scale retail/commercial land developments shall comply with the traffic and circulation design standards in Chapter 22 (Subdivision and Land Development).
- (3) Pad Sites as Part of Large-scale Retail/Commercial Development. For pad site buildings located within one hundred fifty (150) feet of a perimeter road of any classification, parking and aboveground utilities including mechanical equipment and trash collection areas shall be prohibited between the building and the road, but driving aisles shall be permitted between the building and the road.
- (4) Common Open Space. Common open space shall be provided in accordance with the recreation land dedication requirements of Chapter 22 (Subdivision and Land Development).
 - (a) The common open spaces shall follow the design requirements in Chapter 22 (Subdivision and Land Development).
 - (b) In calculating common open space as required by Chapter 22 (Subdivision and Land Development), the following standards shall apply:
 - [1] Areas Not Credited. Lands within the following areas shall not be counted towards the required common open space or pedestrian amenities:
 - [a] Private yards;
 - [b] Landscaping and screening otherwise required by this chapter and Chapter 22 (Subdivision and Land Development);

- [c] Public or private roads or rights-of-way;
 - [d] Parking areas and driveways for dwellings; and
 - [e] Water quality and stormwater detention ponds.
- [2] Dimensional Requirements. Common open space areas shall have a minimum area of three hundred (300) square feet and in no case shall the length or width be less than ten feet. Common open space shall not exceed twenty thousand (20,000) square feet except where continuing an adjacent trail, park, or continuation of open space land.
- (5) Reserved.
- (6) Outdoor Display, Storage and Sales Areas. Such areas shall be permitted only where clearly depicted and labeled on the approved land development plan.
- (a) Outdoor Display Areas. All exterior display areas shall be separated by a minimum of ten feet from motor vehicle routes by a physical barrier visible to drivers and pedestrians. A minimum walkway width of ten feet shall be maintained between the display items and any vehicle drives.
 - (b) Outdoor Storage Areas. Such areas include exterior storage structures or uses, including the parking or storage of service vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, and all other exterior stored items. Such outdoor storage uses and areas shall be appropriately screened as required by §27-60.
 - (c) Outdoor Sales Areas
 - [1] Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment.
 - [2] Outdoor sales areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building.
 - [3] If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade.
- (7) Landscaping. Landscaping shall meet the requirements of §27-60, §27-61 and Chapter 22 (Subdivision and Land Development).
- (8) Parking. Parking shall meet the requirements of §27-24.
- (9) Screening. In addition to the requirements in this §27-112B (9) and §27-60, screening shall also meet the requirements of Chapter 22 (Subdivision and Land Development). In the case of conflict, the more restrictive shall apply.
- (a) Mechanical Equipment
 - [1] All ground-mounted and wall-mounted mechanical equipment, and any permitted outdoor storage
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shall be fully screened from on-site and off-site ground level views, with building materials identical to or of equal quality to those used on the building exterior.

[2] All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls or roofs to not be visible from public streets adjacent to or within 1,000 feet of the subject property. Fences, chain link, wire mesh or wood or similar rooftop screening devices may not be used to meet this requirement.

(b) Loading Docks. Loading docks shall be screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Landscaping shall meet the requirements of §27-61 and Chapter 22 (Subdivision and Land Development).

(c) Solid Waste. Dumpsters, refuse containers and other solid waste collection, storage, and conveyance facilities shall be screened in accordance with §27-79.

(10) Pedestrian and Bicycle Facilities. The land development shall provide for safe pedestrian and bicycle access as set forth in §27 (Off-Street Parking and Loading).

C. Signs. All signs shall comply with the regulations in Article XI.

D. Discontinued Use. Should any large-scale retail/commercial building cease to be used, the owner or operator or then owner of the land on which the building is located, shall be required to remove the same within five (5) years from the abandonment of use. Failure to do so shall authorize the Township to remove the building 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 large-scale retail/commercial building, 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 building.

§27-113 Reserved

§27-114 Mineral Extraction Excluding Oil and Gas Development (See §27-117 for Oil and Gas Development.)

A. Findings. The primary minerals of importance extant in the Township are sand and gravel, and quarry stone. The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. In addition, the Planning Code now severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township. Planning Code §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 not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at §603(b), allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects, and reclamation.

- B. Intent. The intent of this §27-114 is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and to establish the foundation for any conditions required to protect the public health, safety and general welfare.
- C. Use Classification; Mineral Processing a Separate Use.
- (1) Use Classification. Mineral extraction shall be allowed only in those Districts as listed in the Schedule of Uses.
 - (2) Mineral Extraction, Minor. The intent of this §27-114C (2) is to permit mineral extraction operations limited in area, duration and mechanical operations.
 - (a) 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 (1) 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*.
 - (b) 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.
 - (c) The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted.
 - (d) *Mineral extraction, minor* uses shall be exempt from the plan submission requirements of this §27-114; however, said operations shall comply with the operational and rehabilitation standards.
 - (3) Mineral Processing (See §27-115 for requirements.)
 - (a) Separate and Distinct Use. Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated by this chapter.
 - (b) 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.
- D. Standards. In addition to the performance standards in Article VII and all other applicable standards of this chapter which are not preempted by state statute, mineral extraction shall comply with the following:
- (1) Parcel Size: The minimum parcel size shall be 10 acres for *minor mineral extraction* and 50 acres for *mineral extraction*.
 - (2) Setback. A setback of two hundred (200) feet shall be maintained between any disturbed area associated with any mineral extraction operation and adjoining properties and public road rights-of-way.
 - (3) Undisturbed Buffer. The required setback areas shall be undisturbed to provide a buffer and shall not be
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used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.

- (4) 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.
 - (a) 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 25 feet wide.
 - (b) Buffers shall be designed in accord with §27-60 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 Chapter 22 (Subdivision and Land Development).
 - (c) 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.
 - (5) 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.
 - (6) Conditions of Approval. If the Township determines that the standards in Article VII Part 2 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, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.
 - E. Local, State and Federal Regulations. *Mineral extraction* and *minor operations* shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.
 - F. Information Requirements for Mineral Extraction. (but not for *mineral extraction, minor*) The applicant shall, at a minimum, provide the information required by this chapter and the information required for land developments in Chapter 22 (Subdivision and Land Development). 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.
 - (1) PA DEP Application Information: The applicant shall provide a copy of all applications and information required by the applicable PA DEP Rules and Regulations. However, applicants proposing mineral extraction operations qualifying as *small noncoal operations* under PA DEP regulations shall provide all information required by Chapter 77 Noncoal Mining of PA DEP Rules and Regulations for operations which are not considered *small noncoal operations*.
 - (2) Surface and Ground Water Protection, Traffic Impact Study and Environmental Impact Statement. The
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Township shall require for *mineral extraction* and may require for *mineral extraction, minor*, the applicant to submit details about ground and surface water protection, an Environmental Impact Statement and a Traffic Impact Study.

- (3) Emergency Response. The Applicant shall develop an 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.
- G. Reporting Requirements for Mineral Extraction (but not for *mineral extraction, minor*). For any mineral extraction operation approved by the Township, the operator shall submit to the Township copies of all PA DEP-required or PA DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.
- H. Expansion of Nonconforming Operations. Mineral extraction and mineral extraction, minor 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 PA DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §27-114.

§27-115 Mineral Processing

Mineral processing shall comply with the requirements of this §27-115.

- A. Location Requirements. Mineral processing operations shall comply with the following location requirements:
- (1) Setbacks. The following setbacks shall be maintained for any mineral processing operation:
- (a) Property Lines, Road rights-of-Way. Two hundred (200) feet to adjoining properties and public road rights-of-way.
- (b) Residential Structures. Three hundred (300) feet to any existing residential structure not located on the project parcel.
- (c) Water Bodies. Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- (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. 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 (20) 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 22 (Subdivision and Land Development).
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(d) 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.

- B. 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.
- C. Information Requirements. The applicant shall provide the information required by this §27-115C 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:
- (1) Application Information. The information required by this §27-115, all required application information, and all other necessary information to enable the Township to assess compliance with this chapter.
 - (2) Additional Information. The Township may require the applicant to submit details about ground and surface water protection and an Environmental Impact Statement.
 - (3) PA DEP Application Information. A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection Rules (PA DEP) Rules and Regulations.
 - (4) Emergency Response. The Applicant shall develop an 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.
- D. Reporting Requirements. For any mineral processing operation approved by the Township, the operator shall submit to the Township copies of all PA DEP-required or PA DEP-issued documents and reports associated with the operation, within fifteen (15) days of the date of the document or report.

§27-116 Mobile Food Service Operations and Mobile Sales Operations (Including sales from temporary structures.) In addition to all other applicable standards of this Ordinance, the requirements of this §116 shall apply to mobile food service operations and mobile sales operations including sales from temporary structures (referred to as *operations*). Operations conducted as a temporary accessory use by a public use or a semi-public use and vendors who travel from site to site (e.g., construction sites or manufacturing plants) selling exclusively to employees at the visited site are not subject to this §27-116.

A. Location.

- (1) Districts - Such operations shall only be permitted in the districts specified in the Schedule of Uses on a separate lot or on a lot with an existing nonresidential use.
 - (2) Size and Number - A minimum parcel size of ten thousand (10,000) square feet shall be required and one (1) mobile operation shall be permitted on the site.
 - (3) Setbacks - The District setbacks for principal structures shall be maintained.
 - (4) Right-of-Way; Access - The operation shall not be located in any public right-of-way or in any driveway aisles, no parking zones, parking or loading areas, or lanes, or other location which would impede the on-site
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circulation of motor vehicles.

- (5) Vending Area - The vending area includes the space taken up by a portable stand, vehicle, or trailer; signs; equipment; products; and any tents, tarpaulins, canopies, or awnings.

B. Operating Standards.

- (1) Hours of Operation - 7 a.m. to 10 p.m. on weekdays and 7 a.m. to 11 p.m. on weekends and federal holidays
- (2) Music or Sound - The use of any sound amplification is prohibited regardless of the intended purpose.
- (3) Signs - Only the following signs shall be permitted and no signs in the public right-of-way or balloons, banners, streamers or other similar devices to attract customers shall be permitted.
- (a) The total area of all signs, including menus, affixed to the mobile operation (truck, stand, trailer) shall not exceed twenty (20) square feet.
- (b) One A-frame menu board of up to nine (9) square feet shall be permitted to be placed by the operation within the vending area. The sign may be displayed only during hours of operations.
- (4) Parking and Access - A minimum of five (5) parking spaces shall be provided on the lot and parking and access shall comply with §27-24.
- (5) Electric Service Connections - Electric service connection to an on-site approved outlet shall be permitted in accord with applicable codes provided that no wiring or cables are run beyond the vending area or pose any danger to the patrons.
- (6) Water Supply - Connection to a water supply shall be permitted in accord with applicable codes and regulations.
- (7) Sewage Disposal - Sewage disposal shall be provided in accord with Township requirements.
- (8) Trash - Adequate trash receptacles shall be provided and trash shall be disposed of to prevent the dispersal or accumulation.

§27-117 Oil and Gas Development and Power Plants

- A. Purpose. The purpose of this §27-117 is to provide for the health, safety and welfare of the residents of Pine Creek Township, through zoning and floodplain management provisions, for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections to the Township's residents. Oil and gas exploration, drilling and extraction operations involve activities that are economically important and will impact the Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that these resources can be obtained in a manner that is economically remunerative, and which minimize the potential impact on the residents of the Township.
- B. Definitions. In addition to the definitions included in Article III, the following definitions shall apply to this §27-117. In cases where a definition appears in Article III and this §27-117, the definition in this §27-117 shall apply to this §27-117.

Applicant - Any person, owner, operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring and drilling for, producing, or transporting oil or gas.

Building - An occupied structure with walls and roof in which persons live or customarily work. The term shall not include a barn, shed or other storage building.

Collector Street - A public street or road which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

Department - The Department of Environmental Protection of the Commonwealth.

Derrick - Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

Drilling Pad - The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

Fracking - The process of injecting water, customized fluids, sand, steam, or gas into a gas well or oil well under pressure to improve gas recovery.

Local Street - A public street or road designed to provide access to abutting lots and to avoid through traffic.

Oil and Gas - Crude oil, natural gas, methane gas, coal bed, methane gas, propane, butane, and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Development or Development - The well site preparation, construction, drilling, re-drilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.

Oil or Gas Well - A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

Oil or Gas Well Site - The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

Operator - The person designated as the Well Operator on the Permit Application or Well Registration.

Owner - A person, who owns, manages, leases, controls or possesses an oil or gas well.

Natural Gas Compressor Station - A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission

pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one (1) or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

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, 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*).

Storage Well - A well-used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring and observation of reservoir pressure.

C. Applicability.

- (1) This §27-117 applies to all oil and gas well sites, natural gas compressor stations, natural gas processing plants and power plants (herein referred to as *facility or facilities*) that will be permitted or constructed after the effective date of this §27-117.
- (2) Facilities that were permitted or constructed prior to the adoption of this §27-117 shall not be required to meet the requirements of this §27-117; provided that any modification to an existing or permitted oil or gas well site that occurs after the effective date of this §27-117 and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any physical modification to an existing facility, shall require compliance with and a Permit under this §27-117.
- (3) Federal or State law or regulation preempts chapter requirements that conflict with Federal or State Statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

D. Permit Requirement.

- (1) No facility, or an addition to an existing facility shall be constructed or located within Pine Creek Township unless a permit has been issued by the Township to the owner or operator approving the construction or preparation of the site for oil and gas development or construction or preparation of the site for a facility.
- (2) The permit application, or amended permit application, shall be accompanied by a fee as established in the Township's Schedule of Fees
- (3) Any modification to an existing and permitted oil or gas well site or that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing facility, shall require a modification of the permit under this §27-117. Like-kind replacements shall not require a permit modification.

E. Pre-application Conferences.

- (1) Purpose. Before submitting an application, the Applicant is strongly encouraged to meet with Township Staff to determine the requirements of and the procedural steps and timing of the Application. The intent of this process is for the Applicant to obtain necessary information and guidance from Township Staff before entering into any commitments or incurring substantial expenses with regard to site and plan preparation.
 - (2) Process. A pre-application conference is voluntary on the part of the Applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the Applicant in order to address the required Permit submissions and are advisory only, and shall not bind the Township to approve any application for a permit or to act within any time limit relative to the date of such Conference.
- F. Permit Application. In addition to all other information required by this chapter, the Applicant shall provide to the Township at the time of permit application:
- (1) A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, number and description of equipment and structures to the extent known.
 - (2) A narrative describing an overview of the project as it relates to all facilities.
 - (3) The address of the oil or gas well site, natural gas compressor station, natural gas processing plant or power plant as determined by the Township or County for information provided to emergency responders
 - (4) The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the Township and all Emergency Responders. Such information shall include a phone number where such individual or individuals can be contacted 24 hours per day, 365 days a year. Annually, or upon any change of relevant circumstances, the Applicant shall update such information and provide it to the Township and all emergency providers
 - (5) A location map of the site showing the approximate location of derricks, drilling rigs, equipment, structures and all permanent improvements to the site and any post-construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site. Such location shall be configured to provide that the normal flow of traffic on public streets shall be undisturbed
 - (6) A location map of the natural gas compressor station, natural gas processing plant or power plant including any equipment and structures and all permanent improvements to the site
 - (7) A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.
 - (8) A certification or evidence satisfactory to the Township that, prior to the commencement of any activity at the site, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements; and shall have entered into a Township Roadway Maintenance and Repair Agreement with the Township, in a form acceptable to the Township Solicitor, regarding the maintenance and repair of the Township streets that are to be used by vehicles for site construction, drilling activities and site operations.
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- (9) A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Township streets utilized by the Applicant shall remain free of dirt, mud and debris resulting from site development activities; and the Applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of Applicant's usage
- (10) Verification that a copy of the operations' preparedness, prevention and contingency plan has been provided to the Township and all emergency responders
- (11) A statement that the Applicant, upon changes occurring to the operation's Preparedness, prevention and contingency plan, will provide to the Township and all emergency responders the dated, revised copy of the preparedness, prevention and contingency plan while drilling activities are taking place at the oil or gas well site.
- (12) Assurance that, at least 30 days prior to drilling, the Applicant shall provide an appropriate site orientation and training course of the preparedness, prevention and contingency plan for all emergency responders. The cost and expense of the orientation and training shall be the sole responsibility of the Applicant. The Applicant shall not be required to hold more than one (1) site orientation and training course annually.
- (13) A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts
- (14) A copy of all permits and plans from appropriate regulatory agencies or authorities issued in accordance to environmental requirements
- (15) A copy of all permits and plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposes use.

G. Design and Installation.

(1) Access.

- (a) No oil or gas well site or facility shall have access solely through a local street. Whenever possible, access to the oil or gas well site or facility should be from a collector Street.
- (b) Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.

(2) Structure Height.

- (a) Permanent structures associated with an oil and gas site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil or gas well site is located.
 - (b) Permanent structures associated with natural gas compressors stations, natural gas processing plants or power plant shall comply with height regulations for the zoning district in which facility is located.
 - (c) There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or
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re-drilling of an oil or gas well.

[1] The duration of such exemption shall not exceed the actual period of drilling or re-drilling of an oil or gas well.

[2] Provided further the time period of such drilling and exemption shall not exceed six (6) months.

[3] The operator shall give the Township prior written notice of the beginning date for its exercise of the exemption.

(3) Setbacks.

(a) Drilling rigs shall be located a minimum setback distance of one and one-half (1.5) times their height from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.

(b) The drilling pad for the oil or gas well site shall comply with all setback and buffer requirements of the Zoning District in which the oil or gas well site is located.

(c) Natural gas compressor stations, natural gas processing plants and power plants shall comply with all setback and buffer requirements of the zoning district in which the facility is located.

(d) Exemption from the standards established in this §27-117G (3) may be granted by the Township upon a showing by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exemption.

(e) Drilling pads, natural gas compressor stations, natural gas processing plants and power plants shall be setback two hundred (200) feet from buildings or sites registered or eligible for registration on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

(4) Screening and Fencing.

(a) Security fencing shall not be required at oil or gas well sites during the initial drilling, or re-drilling operations, as long as manned twenty-four (24) hour on-site supervision and security are provided.

(b) Upon completion of drilling or re-drilling security fencing consisting of a permanent chain link fence shall be promptly installed at the oil or gas well site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

(c) Security fencing shall be at least six (6) feet in height, equipped with lockable gates at every access point and have openings no less than twelve (12) feet wide.

(d) Emergency responders shall be given means to access oil or gas well site in case of an emergency.

(e) Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency.

(f) In construction of oil or gas well sites the natural surroundings should be considered and attempts

made to preserve existing trees and other native vegetation.

(5) Lighting.

- (a) Lighting at the oil or gas well site, or other facilities associated with oil and gas drilling development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and nearby buildings within one hundred (100) feet of the oil or gas well development.
- (b) Lighting at a natural gas compressor station, natural gas processing plant or power plant shall, when practicable, be limited to security lighting.

(6) Noise. The Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the oil or gas well development or any natural gas compressor station, natural gas processing plant or power plant.

- (a) Prior to drilling of an oil or gas well or the operation of a facility, the Applicant shall establish by generally accepted testing procedures, the continuous 72-hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency, or other public facility, or one hundred (100) feet from the nearest residence or public building, medical, emergency, or other public facilities, whichever point is closer to the affected residence or public building, school, medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous 72-hour test, the Applicant may assume and use, for the purpose of compliance with this §27-117, a default ambient noise level of 55dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.
 - (b) The Applicant shall provide the Township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
 - (c) The noise generated during the oil and gas operations or the facility shall not exceed the average ambient noise level established in §27-117G(6)(a) by more than:
 - [1] Five (5) decibels during drilling activities.
 - [2] Ten (10) decibels during hydraulic fracturing operations.
 - [3] Five (5) decibels for a gas compressor station, a natural gas processing plant or a power plant.
 - [4] Allowable increase in this §27-117G6(c) shall not exceed the average ambient noise level for more than ten (10) minutes within any, one (1)-hour period.
 - (d) Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.
 - (e) Exemption from the standards established in this §27-117G (6) may be granted by the Township during the drilling stage or at the oil or gas well site, or the facility for good cause shown and upon written agreement between the Applicant and the Township.
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- (f) Complaints received by the Township shall be addressed by the Applicant within twenty-four (24) hours following receipt of notification by continuously monitoring for a period of forty-eight (48) hours at the nearest property line to the complainant's residential or public building or one hundred feet (100') from the complainant's residential or public building, school, medical, emergency or other public facilities, whichever is closer. The Applicant shall report the findings to the Township and shall mitigate the problem to the allowable level if noise level exceeds the allowable rate.
- (g) Natural gas compressor stations, natural gas processing plants and power plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels that would otherwise exceed the ambient noise level standards at residential or public buildings, medical, emergency or other public facilities.
- (6) Prohibitions.
- (a) No drilling shall be allowed in the Floodway designated as such in the Flood Insurance Study (FIS) and shown on the Federal Emergency Management Agency (FEMA) maps.
- (b) Oil and gas drilling in the 100-Year Floodplain is discouraged but may be permitted by the Township if, in its discretion, the following provisions are met:
- [1] If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the Floodplain. The Applicant must provide conclusive documentation that no other location allows access to the oil or gas deposit other than a location within the Floodplain.
 - [2] An adequate Emergency Evacuation Plan shall have been produced by the Applicant and filed with the Township.
 - [3] No storage of chemicals shall be permitted within the floodplain. An exemption from this requirement may be granted by the Township if the Applicant can show that such storage will not potentially cause any harm to property, persons or the environment in the case of a 100-Year Flood; and further provides security to the Township assuring the Applicant's ability to remedy any damage or injury that may occur.
 - [4] Only necessary and needed structures will be permitted within the Floodplain.
 - [5] All structures within the Flood Zone shall be designed to withstand a one-hundred (100) year storm event.
 - [6] An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.

§27-118 Reserved

§27-119 Race Tracks

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

- A. Setbacks. All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than 500 feet from any property line or public road right-of-way, and shall not be less than one (1) mile from any R-1, R-2 or
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R-3 District. Greater setbacks and buffers may be required in accord with §27-60 to address community effects.

- B. Animal Race Tracks. In addition to the other standards in this §27-119, the following additional standards shall apply to animal race tracks:
- (1) The race course for any animal race track shall not be less than five hundred (500) feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §27-60 to address community effects.
 - (2) Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than one hundred (100) feet from any property line or public road right-of-way.
 - (3) The Applicant shall provide a plan for manure and animal waste management satisfactory to the 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.
- C. Buildings. All buildings on the race track parcel shall comply with Uniform Construction Code and PA Department of Labor and Industry Standards.
- D. Time Limitations. No 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.
- E. Repair Activities. All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- F. Tire and Part Storage. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening, but in no case shall such outdoor storage exceed five hundred (500) square feet in area.
- G. Storage. No vehicles, supplies, parts, or any other material shall be stored in any required setback areas normally required for the district.
- H. Fuel Documentation. Documentation shall be provided that all fuel and fuel storage areas comply with State and Federal requirements.
- I. Fencing and Barriers. Security fencing shall be provided around the facility (excluding parking areas) to prevent intrusion onto the racetrack and related areas. Safety fencing/barriers shall be provided between the racetrack and all areas where spectators, the public or any employee or other person has access.
- J. Safety Plan. A facility safety plan shall be prepared to detail the specific procedures which will be followed to ensure the safety of the public, spectators, employees and participants which shall, at a minimum, address the following:
- (1) Design standards of all safety fencing/barriers.
 - (2) Procedures for fuel storage, handling and dispensing.
 - (3) Emergency services, including fire and ambulance, which will be available during events.
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- (4) Disaster/emergency response procedures.
- (5) Crowd management.

K. **Bond/Insurance.** Based on the type and size of the race track, the Board of Supervisors may require the Applicant to provide a bond and/or insurance to cover the cost of any environmental clean-up or enforcement action which may be required at the site. The amount of the coverage shall be determined by the Board based on the type and size of the track.

§27-120 Self-Storage Facilities

Self-storage facilities shall comply with the following standards in this §27-120.

- A. **Bulk Requirements.** Minimum lot size, lot width and setbacks, and maximum lot coverage and building height shall conform to district standards.
- B. **Setback Areas.** There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).
- C. **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.
- D. **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
- E. **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.
- F. **Fire. Water Damage.** All storage units shall be fire-resistant and water-resistant.
- G. **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 ensure that the requirements of this §27-120 are or will be satisfied.

§27-121 Shooting Ranges, Outdoor Commercial

This §27-121 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.

- A. **Setbacks.** All outdoor shooting ranges shall be situated not less than five hundred (500) 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 §27-121. This shall not apply to structures on the same parcel as the shooting range.
 - B. **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 §27-121. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.
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- C. 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 §27-65 unless more restrictive standards are required by the Township as a condition of approval.
- D. 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.
- E. Fence. Security fencing may be required by the Township of such extent and design to restrict accidental access to any range.
- F. Posting. The perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.
- G. 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.

§27-122 Slaughterhouses

Slaughterhouses shall comply with this §27-122.

- A. Parcel Size. A minimum parcel of five (5) acres shall be required.
 - B. Setbacks.
 - (1) Buildings. The minimum setbacks for all buildings shall be 100 feet from property lines and road rights-of-way.
 - (2) 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:
 - (a) Up to four hundred ninety-nine (499) animals: One hundred (100) feet
 - (b) Five hundred (500) to nine hundred ninety-nine (999) animals: Two hundred (200) feet.
 - (c) One thousand (1,000) or more animals: Three hundred (300) feet.
 - C. Animal Confinement. All animals shall be confined to the slaughterhouse property at all time by fences or other structures
 - D. Wastes.
 - (1) 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.
 - (2) Manure management shall comply with the best practices established by the County Conservation District.
 - E. 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
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by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.

- F. Odor. (See also §27-68.) 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.

§27-123 Solar Power Generation, Commercial

- A. Purposes. The purpose of this §27-123 is to:

- (1) 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
- (2) Critical Development Areas. Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.
- (3) 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
- (4) Traffic. Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

- B. Permits; Use Regulations.

- (1) Permits. A permit shall be required for every solar power facility installed in the Township.
- (2) Associated Use. All other uses ancillary to the solar power facility, including a business office, maintenance depot, etc., greater than one thousand (1,000 square feet, 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.
- (3) Solar Power Facility as a Second Principal Use. A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:
 - (a) The minimum lot area, minimum setbacks and maximum height required by this chapter for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements
 - (b) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (c) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

- C. Standards and Design.
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- (1) Parcel Size; Location; Setbacks; Lot Coverage
 - (a) The minimum parcel size shall be 10 acres.
 - (b) The parcel shall not be more than three (3) miles from a utility substation with the capacity to service the proposed facility.
 - (c) The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet from property lines.
 - (d) 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.
 - (2) Height. Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.
 - (3) 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.
 - (4) 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.
 - (5) Required Parking. Adequate parking shall be required for maintenance workers.
 - (6) 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.
 - (7) 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.
 - (8) Historic Structures. A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.
 - (9) 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
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operating condition.

- (10) Uniform Construction Code. To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
 - (11) 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.
 - (12) 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 10 feet from the ground.
 - (13) 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.
 - (14) Transmission and Power Lines. On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
 - (15) Stray Voltage/Electromagnetic Fields (EMF). The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
 - (16) 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.
 - (17) 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 chapter.
- D. 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.

§27-124 Solid Waste

Solid waste facilities, transfer stations, and staging areas, herein referred to as facilities, shall comply with this §27-124.

- A. Traffic Study. The applicant shall provide a Traffic Impact Study.
 - B. Setbacks. No part of any facility created after the effective date of this chapter shall be located closer than 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 50 feet in width shall be provided in all setbacks in accord with §27-60 of this chapter. Additional buffers and setbacks may be required in accord with this chapter.
 - C. Fencing. All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this chapter for existing facilities and prior to the issuance of a certificate -of-use for a new facility. All gates shall be closed and locked
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when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

- D. Storage and Loading/Unloading. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building with negative pressure, and over an impervious surface which drains into a holding tank that is then adequately treated.
- E. Effluent Treatment. The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.
- F. 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.
- G. 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 (3) 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 (1) sample shall be taken from the stream at a point upstream of the solid waste disposal facility drainage area and one (1) 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 (3) 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.
- H. 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
- I. Hours of Operation. Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Eve, New Year's Day, 4th of July, Labor Day, Memorial Day or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.
- J. 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
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enjoyment of their property

- K. 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.
- L. 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 chapter. All solid waste transfer facilities (as defined by this chapter) 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 §27-124 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to PA DEP by the applicant shall be concurrently submitted to the Zoning Officer.

§27-125 Staging Areas for Equipment/Materials. See §27-101.

§27-126 Storage Yards for Forest Products and Minerals

The intent of this §27-126 is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals.

A. Access to Public Roads.

- (1) Highway Occupancy Permit. Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- (2) Stabilization. The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- (3) Weight Limitations. All operations shall comply with all posted weight limits and road bonding regulations.
- (4) 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.

B. Setbacks.

- (1) 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.
 - (2) 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.
 - (3) Public Roads. Storage yards shall not be less than fifty (50) feet from any public road right-of-way.
 - (4) Streams, Water Bodies and Wetlands. Storage yards shall not be less than one hundred (100) feet from any stream, water body or wetland.
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- (5) Slope. Storage yards shall be located on slopes less than eight (8) percent. Low spots and poorly drained places shall be avoided.

§27-127 Swimming Pool, Commercial

Commercial swimming pools comply with the standards in this §27-127.

- A. Setback. The pool, accessory structures and areas used by bathers shall be not less than one hundred (100) feet from any property line and any public road right-of-way.
- B. Buffer. A buffer fifty (50) feet in width shall be provided along all property lines and any public road right-of-way.
- C. Enclosure. A fence, wall or other enclosure meeting the requirements of the Uniform Construction Code shall be provided.
- D. Access. Access to all pools shall be restricted when the pool is not in use.

§27-128 Reserved

§27-129 Vehicle Related Uses

Vehicle related uses shall comply with the standards in this §27-129.

- A. Car and Truck Wash Facilities. All car and truck wash facilities shall be subject to the following specific regulations and requirements:
- (1) 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
 - (2) 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
 - (3) 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.
 - (4) 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
 - (5) A grease trap meeting the requirements of the Pine Creek Township Municipal Authority shall be provided.
- B. Vehicle or Equipment Repair Operations. All vehicle or equipment repair operations shall be subject to the following specific regulations and requirements:
- (1) 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.
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- (2) 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, Bonafede, service station stores more than four (4) vehicles per interior service stall, it shall comply with the junk regulation set forth in this chapter. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
 - (3) 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 chapter.
 - (4) All new or used tires and parts shall be stored within a completely enclosed building.
 - (5) 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.
 - (6) No vehicles shall be stored in any required setback areas.
 - (7) 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-1, R-2 or R-3 District.
 - (8) 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.
- C. 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:
- (1) All principal and accessory buildings and structures shall be in accord with the setback, building height and lot coverage requirements of the district.
 - (2) 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 for the district.
 - (3) Activities which are normally accessory to such sales operations, such as engine tune-up and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §27-129B.
 - (4) 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, Bonafede, service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this chapter. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
 - (5) 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 chapter.
 - (6) All new or used tires and parts shall be stored within a completely enclosed building.
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- (7) No vehicles shall be stored in any required setback areas.

§27-130 Water Withdrawal Facilities

See §27-109.

§27-131 Wind Energy Facilities

The provisions of this §27-131 shall apply to wind energy facilities.

A. Purposes.

- (1) 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.
- (2) To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

B. Permits; Use Regulations.

- (1) Permits. A permit shall be required for every wind energy facility and windmill installed at any location in the Township.
- (2) 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.
- (3) 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:
 - (a) The minimum lot area, minimum setbacks and maximum height required by this chapter 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.
 - (b) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (c) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

C. Standards.

- (1) 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.
 - (2) Parcel Size; Setbacks.
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- (a) 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.
- (b) 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.
- (c) Principal Structures. No windmill shall be located less than five hundred (500) feet from any principal residential structure existing prior to the erection of the windmill.
- (3) 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.
- (4) Fencing. A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- (5) 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.
- (6) 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.
- (7) 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
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- (8) Color and Lighting; FAA and PennDOT Notice. Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PennDOT 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 PennDOT Bureau of Aviation.
 - (9) 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.
 - (10) Historic Structures. A wind energy facility shall not be located within five-hundred (500) feet of any structure listed on any public historic register
 - (11) 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.
 - (12) 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 chapter.
- D. 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.
- E. Wind Test Towers. Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with other applicable requirements of this chapter. Such towers shall be removed within eighteen (18) months of installation.

§27-132 Wireless Communication Facilities (WCF)

In addition to all other applicable standards of this chapter, the following regulations shall apply to wireless communications facilities (WCF) including, but not limited to, cellular phone antennas, antennas for communication service regulated by the PA Public Utility Commission, and other commercial antennas and associated facilities.

A. Purposes.

- (1) To accommodate the need for communication facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
 - (2) To minimize the adverse visual effects of communication facilities and support structures through proper design, siting and vegetative screening.
 - (3) To avoid potential damage to adjacent properties from communication facility support structure failure and falling ice, through engineering and proper siting of support structures.
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- (4) To encourage the joint use of any wireless communication facility support structures and to reduce the number of such structures needed in the future.

B. Permits; Use Regulations. A permit shall be required for every WCF and support structure installed at any location, whether in or out of a right-of-way, and the following use regulations shall apply:

- (1) Existing Tall Structures. A WCF site with a WCF that is attached to an existing communications tower, smoke stack, water tower, other tall structure or a building not less than thirty-five (35) feet in height and where the height of the WCF does not exceed the height of the existing structure by more than twenty (20) feet shall be permitted in all Districts as an accessory use and conditional use approval shall not be required. A WCF on a single-family or two-family dwelling or on utility poles in R Districts shall not be permitted. Any subsequent installations above the initial twenty-foot height increase shall be prohibited. The applicant shall provide the following information:

- (a) 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.
- (b) 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.
- (c) 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 WCF and associated equipment can be accomplished.

- (2) New Structures and WCF Exceeding Twenty (20) Feet on Existing Structures. A WCF site with a WCF that is either not mounted on an existing eligible structure, or is more than twenty (20) feet higher than the structure on which it is mounted shall be permitted only in those Districts specified on the Schedule of Uses and shall require conditional use approval in accord with this §27-132.

- (3) New Tower-Based WCF in a Right-of-Way. A new tower-based WCF shall only be permitted in a right-of-way in accord with the following:

- (a) No such facility shall be located in any area where utility infrastructure is installed underground. In areas not served by above ground utility infrastructure, a new tower-based WCF may be constructed only at intersections of a Township and state street or state street intersections to provide coverage and capacity.
- (b) The stand-alone tower shall not exceed the average height of the nearest two (2) poles with a maximum height of thirty-five (35) feet and the total height with all equipment shall not exceed twenty (20) feet above the tower.
- (c) The tower shall be self-supporting and guy wires shall not permit.
- (d) Tower-based WCF in a Township right-of-way.

- [1] In addition to the required application and permit fees, every tower-based WCF in a Township ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be
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paid for the use and occupancy of the ROW. Such compensation for ROW use shall directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each tower-based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for tower-based WCF shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such tower-based WCF.

[2] Prior to the issuance of a permit, the owner of each individual tower-based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Township Engineer. The return of the deposit shall be contingent upon the proper restoration of the ROW and compliance with the terms and conditions of this chapter. Upon installation of the tower-based WCF, the applicant shall notify the Township that the site is ready for inspection. The Township Engineer shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within thirty (30) days. The restoration deposit may be forfeited in whole or in part to the Township if any work is found to be incomplete or not in compliance with all applicable standards.

- (4) Associated Use. All other uses ancillary to the WCF (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the WCF site, unless otherwise permitted in the Zoning District in which the WCF 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 WCF.
- (5) WCF as a Second Principal Use. A WCF shall be permitted on a property with an existing use subject to the following land development standards:
- (a) The WCF facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - (b) The minimum lot area, minimum setbacks and maximum height required by this chapter for the WCF 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.
 - (c) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - (d) 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.

C. Standards. The following standards shall apply to all WCF:

- (1) Location Requirement and Number. The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the WCF and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of WCF to be installed at a site by an
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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.

- (2) Collocation; New Tower. If the applicant proposes to build a tower (as opposed to mounting the WCF on an existing structure), the Township may require the applicant to demonstrate that it contacted, in writing, the owners of tall structures within a one- mile radius of the site proposed, asked for permission to install the WCF on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, WCF 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 WCF 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 WCF. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
- (a) The proposed equipment would exceed the structural capacity of the existing structure; and, its reinforcement cannot be accomplished at a reasonable cost.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) A commercially reasonable agreement could not be reached with the owners of such structures.
- (3) WCF Height; Airport Zoning; Design.
- (a) The applicant shall demonstrate that the WCF is at the minimum height required to function satisfactorily and provide adequate height for eight (8) service providers. The maximum height of any WCF shall be two hundred (200) feet.
 - (b) The Township may require the tower to be designed and constructed to be stackable (structurally capable of being increased in height) so that additional antenna arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation.
 - (c) WCF equipment buildings shall comply with the accessory structure height limitations of the applicable Zoning District.
 - (d) The Township shall require stealth design or specific colors to ensure that the WCF is compatible with the surrounding landscape; and, such determination shall be based on a balloon test for height conducted by the applicant.
- (4) Setbacks. If a new WCF support structure is constructed (as opposed to mounting the WCF on an existing structure) or if the WCF height exceeds the height of the existing structure on which it is mounted by more
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than twenty (20) feet, the following minimum setbacks shall apply.

- (a) Separate Parcel. If the parcel on which the WCF and support structure are located 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 WCF 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 30 feet.
 - (b) Lease, License or Easement. If the land on which the WCF and support structure is leased, or is used by license or easement, the setback for any part of the WCF, 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 WCF structure.
- (5) WCF Support Structure Safety. The applicant shall demonstrate that the proposed WCF 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 WCF 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 45 days of initial operation, the owner and/or operator of the WCF and support structure shall provide a certification from a Pennsylvania registered professional engineer that the WCF and support structure comply with all applicable regulations.
- (6) Stealth Design. Wireless communication facilities shall be of stealth design, as required by the Township, and shall comply with the following standards relating to neighborhood character, placement, material and colors:
- (a) Wireless communication facilities attached to an existing structure shall be designed and maintained to blend in with the existing structure to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility and use of compatible or neutral colors.
 - (b) Wireless communication facilities attached to an existing structure shall be screened in a reasonable and achievable manner.
 - (c) Wireless communication facilities proposed on a new tower, including support structure(s), shall be designed to blend in with the existing surroundings, including the use of compatible colors and disguised structures.
 - (d) Equipment facilities shall, to the extent practicable, use materials, colors and textures that blend in with the natural setting and built environment.
- (7) Fencing. A fence shall be required around the WCF support structure and other equipment, unless the WCF is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
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- (8) Landscaping. Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the WCF 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 they achieve the same degree of screening as the required landscaping. If the WCF 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.
- (9) Collocation; Other Uses. In order to reduce the number of WCF support structures needed in the community in the future, the proposed support structure for a new tower facility shall be required to accommodate other users, including, but not limited to, other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, as determined by the Township, shall be constructed to provide available capacity for other providers if there is a future additional need for such facilities.
- (10) 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 WCF and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the WCF and support structure. The applicant shall provide the Township with annual proof of renewal prior to expiration.
- (11) Access. Access to the WCF 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 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length.
- (12) Signs; Lighting; FAA and PennDOT Notice.
- (a) No signs or lights shall be mounted on a WCF except as may be required by this §27-132, Federal Communication Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
 - (b) No WCF support structure may be artificially lighted, except as required by the Federal Aviation Administration.
 - (c) The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation; and, the WCF and support structure shall comply with all FAA and PennDOT requirements.
- (13) 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.
- (14) Historic Structures. A WCF shall not be located on a building or structure that is listed on a historic register or within 500 feet of such a structure.
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- (15) Identification. All antenna support structures, including, but not limited to, equipment buildings and cabinets, shall clearly display the operator's name, license number and emergency telephone number.
- (16) Fire Suppression System. The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the WCF.
- (17) Discontinued Use. If any WCF or support structure ceases to be used as a communications facility, the owner or operator or then owner of the land on which the WCF and support structure is located shall be required to remove the same within 90 days 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. In addition, at the time of zoning permit issuance for any WCF 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 WCF.
- (18) Site Plan. A full site plan shall be required for all WCF and support structure sites, showing the WCF, WCF support structure, building, fencing, buffering, access, and all other items required in Chapter 22 (Subdivision and Land Development). The site plan shall not be required if the WCF is to be mounted on an existing structure and the WCF does not exceed the height of the existing structure by more than twenty (20) feet.

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**ARTICLE IX
NONCONFORMITIES**

§27-133 Purpose, Applicability, Registration, Continuation and Change, and Floodplain

A. Purpose.

- (1) To recognize that if, prior to the adoption of this chapter, as amended, property was used for a then lawful purpose or in a then lawful manner which this chapter 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.
- (2) 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 nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this chapter.
- (3) 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.

B. Applicability. The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally preexisted the applicable provisions of this chapter, as amended, or which are recognized by §27-135 or §27-136. 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 chapter, 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.

C. 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.

D. Continuation and Change. A lawful nonconforming lot, structure or use as defined by this chapter 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.

E. Floodplain. If the nonconformity is located within the 100-year floodplain, all new construction shall comply with all of the requirements of the Township's effective Floodplain Management Ordinance.

§27-134 Definitions

A. 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 County Recorder of Deeds prior to the effective date of this chapter, as amended.

- B. 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 chapter, as amended; and including, but not limited to, non-conforming signs.
- C. 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 (1) location or position to another
- D. Nonconforming Structure or Use, Reconstruction. The rebuilding of a nonconforming structure or use damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty
- E. Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendments hereto, where such use was lawfully in existence prior to the enactment of this chapter, as amended.
- F. Nonconforming Use, Change. The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses.
- G. 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.
- H. Nonconforming Use, Reestablishment. The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this chapter.

§27-135 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 regulations prior to the effective date of this chapter, or any amendment hereto, and completed within a one-year period after the effective date of this chapter or amendment hereto, shall be considered nonconforming.

§27-136 Nonconformities by Variance

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this chapter, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this chapter.

§27-137 Maintenance

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, comply with all other applicable standards and permit requirements of this chapter.

§27-138 Changes of Nonconforming Uses

- A. Variance. A change of nonconforming use shall be considered a variance subject to the specific procedures and review criteria contained in §27-175.
 - B. Conforming Changes. A change in a nonconforming use to a conforming use shall not be considered a special
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exception unless the proposed use is classified as a conditional use by the Schedule of Uses. 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.

§27-139 Extension of Nonconforming Uses

- A. Conditional Use. Except as provided in §27-139B (4), 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 §27-176D.
- B. Extension. A nonconforming use may be extended, provided, expansion is part of normal operations and provided that:
- (1) Any extension shall take place only on the lot or contiguous lots held in the same ownership of that existing at the time the use became nonconforming.
 - (2) No conforming use shall be extended to displace a conforming use
 - (3) Any extension shall conform with the regulations of the district in which it is located
 - (4) For nonconforming uses whose normal operations involve natural expansion (quarries, landfills, cemeteries, etc.), expansion of area shall be permitted by right up to fifty (50) percent of the volume or area of the nonconformity; for expansion beyond 50 percent, a conditional use shall be required.

§27-140 Reconstruction of Nonconforming Structure or Use

A nonconforming structure or use which has been damaged or destroyed by fire or other causes to an extent of not more than 75 percent of its market value may be reconstructed provided that:

- A. Nonconformity. The reconstructed structure or use shall not exceed in height, area and volume the structure/use destroyed.
- B. Timing. The reconstruction shall be commenced within one (1) year from the date the structure was destroyed and shall be carried on without interruption.

§27-141 Abandonment and Reestablishment of Nonconformities

- A. Abandonment. Unless extended in accord with §27-141B, if a nonconforming use of structure or land ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of one (1) year 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 chapter. 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. Time Extension. The Board of Supervisors may, as a conditional use and if deemed appropriate by the Board of Supervisors in accord with the standards in §27-176D, grant a one-time extension of not more than one (1) year for the re-establishment of the use of a nonconforming structure or land. Said extension shall only be considered by the Board of Supervisors upon written application for same submitted by the property owner.

§27-142 Alteration or Expansion of Nonconforming Structures

- A. Alteration or Expansion. The alteration or expansion of nonconforming structures shall be permitted only in accord with this §27-142.
- B. 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 §27-138 and §27-139, respectively
- C. Increase in Area or Bulk Nonconformity. In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

§27-143 Use of Nonconforming Lots of Record

- A. Continued Use and Maintenance. Any nonconforming lot legally existing at the time of the adoption of this chapter or which is created whenever a district is changed by amendment hereafter, may be continued and/or maintained even though it does not conform to the regulations of the district in which it is located. It is not the intent of this chapter to be overly restrictive or to cause a hardship for any property owner, but rather to allow these nonconforming lots to continue until they are eliminated as single entities, possibly through the addition of such lots to adjacent property.
- B. Development of Nonconforming Lot. In the case of a lot of record which existed at the effective date of this chapter and which does not meet the minimum area requirements for the district in which it is located, a permitted structure or use may be placed on the parcel provided that:
 - (1) The owner does not own adjoining land which can be combined to form a conforming or more conforming lot.
 - (2) This chapter does not require a lot size for the structure/use which exceeds the normal minimum required lot area for the district.
 - (3) In the case of single-family detached dwellings and two-family dwellings, each side setback is not less than five (5) feet when adjoining another lot and ten (10) feet when adjacent to any street, the rear setback is not less than ten (10) feet and the front setback conforms to the minimum for the district. In the case of other residential dwellings and all nonresidential uses, all required setbacks for the district are maintained.
 - (4) Where needed, the site has an approved sewage disposal system with appropriate sewage permit.
 - (5) The site and its intended use comply with all other applicable provisions of this chapter.

§27-144 Survey

- A. 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.
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- B. 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.

- C. Survey Information. In addition to the information required in §27-144A, 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.

§27-145 to §27-146 Reserved

DRAFT

ARTICLE X
OWNERSHIP AND MAINTENANCE OF
CONSERVATION OPEN SPACE, OPEN LAND, RECREATION LAND, AND COMMON FACILITIES

This Article X shall apply to any development which involves the ownership and maintenance of conservation open space land, open land, recreation land, or common facilities (referred to as *common area* in this Article) as required by this chapter and Chapter 22 (Subdivision and Land Development).

§27-147 Purpose

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

§27-148 Plan and Legal Documents

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

§27-149 Use Restriction

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this chapter and Chapter 22 (Subdivision and Land Development).

§27-150 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

§27-151 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one (1) or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Township to affect the use dedication and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

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

- A. Property Owners Association or Condominium Agreements. All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:
- (1) The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute
 - (2) Participation in the POA/CA is mandatory for all lot owners.
 - (3) Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.
 - (4) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities.
- B. Transfer to a Private Conservation Organization. In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:
- (1) The deed contains the necessary covenants and restrictions in favor of the Township to affect the use dedication and common area ownership and maintenance standards of this chapter.
 - (2) The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
 - (3) The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
 - (4) A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.
- C. Deed Restricted Private Ownership. On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this chapter, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.
- D. Deed or Deeds of Trust. The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- E. Conservation Easements Held by the Township. In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture, forestry enterprises and other uses permitted on open land in accord with this chapter, and title to such lands may be transferred to other parties for use as restricted by the conservation easement.
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- F. Fee Simple and/or Easement Dedication to the Township. In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:
- (1) There is no consideration paid by the Township.
 - (2) Such land is freely accessible to the public
 - (3) The Township agrees to and has access to maintain such lands.

§27-152 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Area

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

- A. Notice. The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common areas.
- B. Correction of Deficiencies. The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.
- C. Public Hearing. A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this chapter.
- D. Failure to Correct. In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.
- E. Reinstatement of Responsibility. The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.
- F. Appeal. Any party to the action of the Board of Supervisors may appeal such action to court as provided for zoning appeals in the Pennsylvania Municipalities Planning Code, as amended.
- G. Public Costs. The costs of the preservation of use dedication and the cost maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in §27-152A, shall file the required notice of lien against the properties.

§27-153 Reserved

**ARTICLE XI
SIGNS**

§27-154 General

- A. Purpose. The Purpose of this Article is to establish standards for the regulation of signs to safeguard the public interest and to:
- (1) preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
 - (2) establish reasonable time, place and manner for the exercise of free speech, without regulating content;
 - (3) protect property values and ensure compatibility with the character of neighboring uses;
 - (4) protect the public from damage and injury which may be caused by the faulty construction of signs;
 - (5) protect pedestrians and motorists from damage or injury caused by, or partially attributable to the distractions and obstructions caused by improperly situated signs;
 - (6) promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
 - (7) assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
 - (8) enable the fair and consistent enforcement of the sign restrictions throughout the Township.
- B. Applicability 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:
- (1) establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Article;
 - (2) allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Article, but without a requirement for permits;
 - (3) provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
 - (4) prohibit all signs not expressly permitted by this Article.
- C. 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 §27-164 for nonconforming signs.)
- D. Recommended Types of Signs. It is recommended that signs be:
-

- (1) Wood or simulated wood relief.
- (2) Designed as an integral architectural element of the building and component of the site.
- (3) Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

§27-155 Definitions and Interpretation

Words and phrases used in this Article XI shall have the meanings set forth in this §27-155. Words and phrases not defined in this §27-155 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 (2) faces, connected and hinged at the top.



A-Frame / Sandwich Board

Abandoned Sign: See §27-165.

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

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

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

Area of Sign: See §27-157C (2).

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.



Civic Event Banner

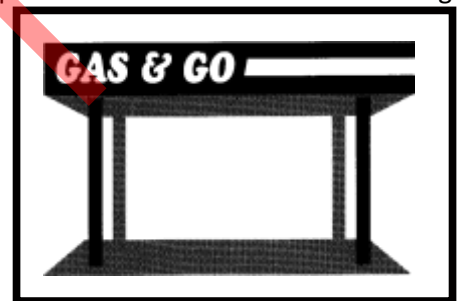


Banner Sign

Billboard: A free-standing sign not less than 32 square feet nor greater than 300 square feet in surface area which is permanently attached to the premises and directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term shall include an outdoor advertising sign on which space is leased or rented by the owner thereof to others to convey a commercial or noncommercial message.

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.

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 on Freestanding Canopy

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



Development Sign

Directional or Instructional 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 (2) 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 (1) end.

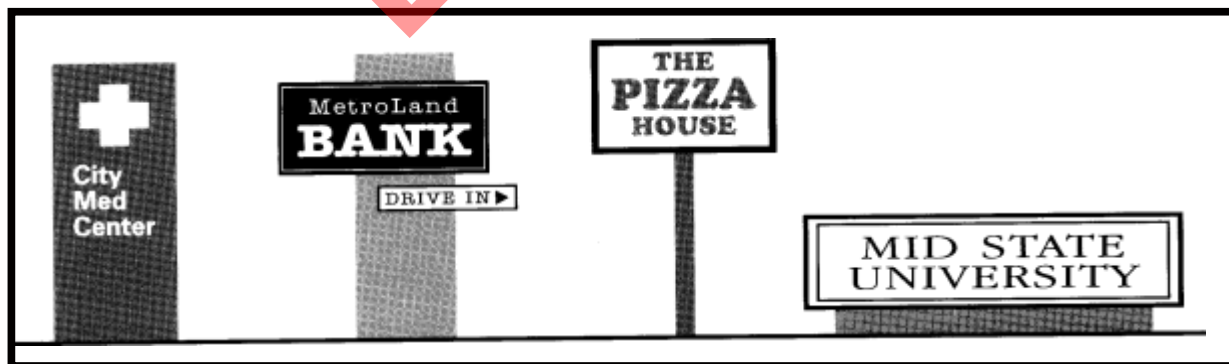
Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building.



Directional Sign



Directory Sign



MONUMENT

PYLON

POLE

GROUND

Common Freestanding Sign Types

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 at least 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 §27-157C (3).

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 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 damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.



Internal and External Illumination



Incidental Sign or Instructional Sign

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

Monument Sign: A free-standing cabinet or panel sign mounted on, or within a base (above grade), which is detached from any building.



Marquee Sign

Multiple Occupant Commercial Building: A commercial development in which there exists two (2) 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.

Off-Premises Sign: A sign not greater than thirty-two (32) square feet in surface area which is permanently attached to the premises and directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term shall include an outdoor advertising sign not greater than thirty-two (32) square feet in surface area on which space is leased or rented by the owner thereof to others to convey a commercial or non-commercial message.

Owner: A person recorded as such on official records. For 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.

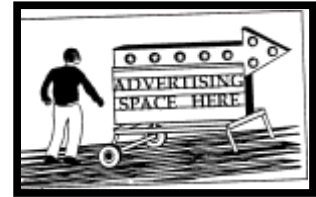
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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 (6) inches beyond the surface of such building or wall.



Projecting Sign

Public Property: Unless otherwise expressly provided, public property means all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved or unimproved land of any kind and all property appurtenant to it.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

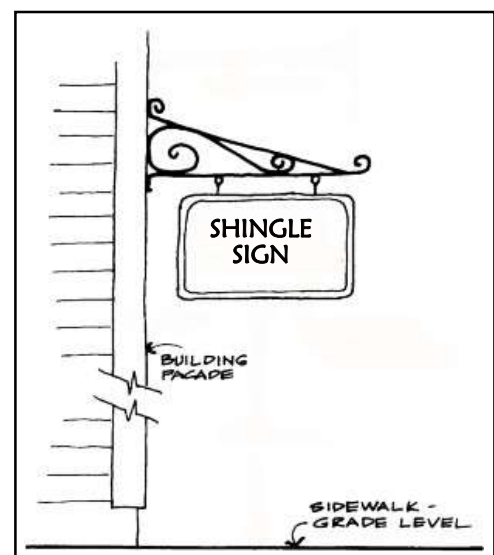
Right-of-Way: No commercial sign shall be erected to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

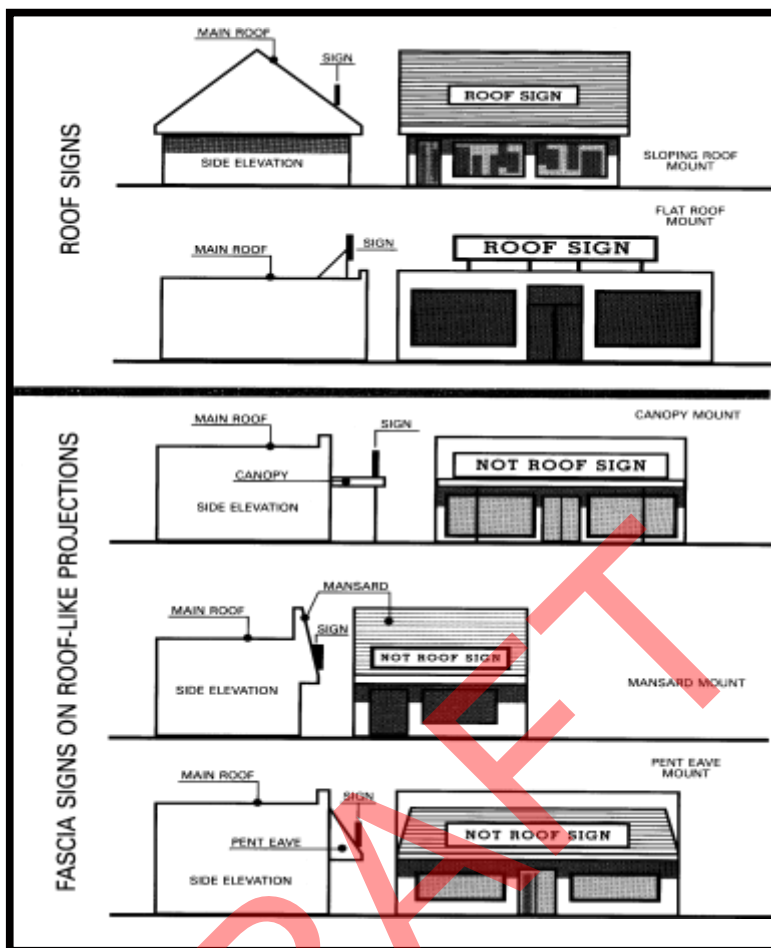
Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

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 roof signs. See the following illustration for examples 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, Clinton County, the Township, or official historic plaques of any governmental jurisdiction or agency.



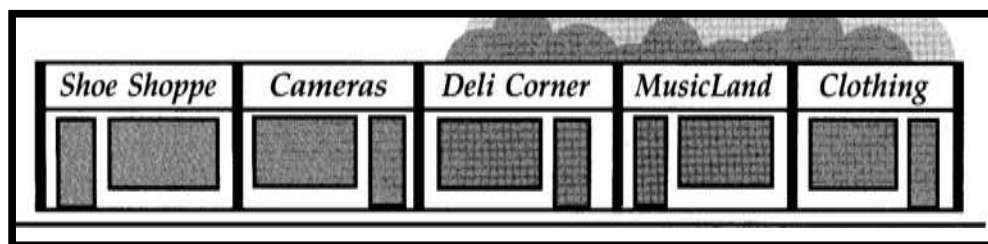


Comparison – Roof and Fascia Signs

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 (6) 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 (1) 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 windowpane which is intended to be read from the exterior of the building.



Sign Comparison

§27-156 Procedures

The procedures included in this §27-156 shall apply to all signs requiring permits.

A. Requirement of Permit. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Article. 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.

- (1) Exempt signs as specified in §27-157B.
- (2) Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

B. Permit Application. Applications for sign permits shall be submitted to the Zoning Officer in accord with §27-170 and shall, at a minimum, contain or have attached thereto the information listed in this section.

- (1) Name, address, and telephone number of the applicant.
- (2) Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (3) Name of person, firm, corporation, or association erecting the sign.

- (4) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - (5) A scale drawing of such sign indicating the dimensions, the materials to be used, the type and intensity of any illumination, the timing of any electronic message, and the method of construction and attachment.
 - (6) An elevation of such sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
 - (7) A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
 - (8) Calculation of the total sign square footage permitted.
 - (9) Copies of any other permits required and issued for said sign, including PennDOT and the Uniform Construction Code.
 - (10) Additional information as may be required by the Zoning Officer.
- C. Issuance of Permits. Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign complies 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.
- D. Permit Fees.
- (1) In accord with the Township fee schedule, the applicant shall tender a fee at the time of making application for a sign permit. Permit fees are not refundable.
 - (2) The owner of a legal nonconforming sign, which has been removed or brought into conformance with the terms of this Article shall not be required to pay a fee to obtain a permit for the conforming sign.

§27-157 General Requirements

- A. 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:
- (1) "A" Frame or Sandwich Board Signs. "A" frame or sandwich board and sidewalk, or curb signs except in accord with §27-161J.
 - (2) Light Strings, Banners, Pennants, and Balloons. Strings of lights not permanently mounted to a rigid background (except those exempt under §27-157B) banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §27-158B.
 - (3) 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.
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- (4) 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 §27-163), 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.
 - (5) Mirrors. Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
 - (6) Portable and Wheeled Signs. Portable and wheeled signs.
 - (7) 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 §27-161I.
 - (8) 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, 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 §27-157B (14).]
 - (9) 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.
 - (10) 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.
 - (11) Emissions. Signs which emit any sound, odor or visible matter such as smoke.
 - (12) Misinformation. Signs which contain information that states that a lot may be used for a purpose not permitted under this chapter.
 - (13) Obscene or Pornographic. Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
 - (14) Snipe Signs. Snipe signs. (See definition on Page XI-8.)
 - (15) 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.
- B. Exempt Signs. The following signs are hereby exempt from the permit provisions of this Article.
- (1) Civic and Religious. Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed four (4) square feet.
 - (2) Directional or Instructional Signs. On-site signs, not exceeding four (4) feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest
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rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.

- (3) Noncommercial Signs. Flags, emblems, and insignia of political, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.
 - (4) Governmental Signs. Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
 - (5) Holiday Decorations. Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.
 - (6) Interior Signs. Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.
 - (7) Memorial Signs. Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events which are non-commercial in nature.
 - (8) Name and Address Plates. Wall signs, one (1) 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.
 - (9) 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 two (2) square feet.
 - (10) Parking Lot Directional and Instructional Permanent Signs.
 - (a) Permanent Directional Signs. Permanent signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet. 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.
 - (b) 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 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.
 - (11) Patron Advertising Signs. Signs erected on the perimeter of an organizational sponsored youth athletic
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field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one-sided with a maximum of 32 square feet of aggregate surface area. Sponsors advertising on score boards may not exceed twenty-five (25) percent of the surface area of the score board. The signs shall be erected to be primarily visible from the interior of the athletic field with no intent to advertise to passing traffic.

- (12) Plaques. Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four (4) square feet in aggregate surface area.
 - (13) Public Notices. Official notices posted by public officers or employees in the performance of the officer's or employee's duties
 - (14) Signs on Vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property. [See also §27-157A (8).]
 - (15) Symbols or Insignia. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet not exceeding four (4) square feet in aggregate area.
 - (16) Vending Machine Signs. Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four (4) square feet not exceeding an aggregate surface area of eight (8) square feet on each machine.
 - (17) Warning Signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
 - (18) Tourist Signs. Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
 - (19) Historic Signs. Signs which memorialize an important historic place, event or person and is specifically authorized by the Township or a county, state or federal agency.
- C. Construction Requirements. All signs permitted by this Article shall be constructed in accord with all construction code requirements and the provisions of this §27-157C.
- (1) Sign Faces. All signs may be multi-faced.
 - (2) Computation of Sign Area.
 - (a) The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed and any surrounding border or
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frame.

- (b) Supporting members of a sign shall be excluded from the area calculation.
 - (c) The area of irregular shaped signs or signs containing two (2) or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
 - (d) Where the sign consists of individual letters or symbols attached directly on a building or window the sign area shall be the smallest rectangle that includes all the letters and symbols. Any illuminated background shall be considered part of the sign and included in the area calculation.
 - (e) The maximum area of a sign shall apply individually to each side of a sign, provided that only one (1) side of a sign is readable from any location.
- (3) Computation of Sign Height.
- (a) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
 - (b) Normal grade shall be construed to be the lower of:
 - [1] existing grade prior to construction, or
 - [2] the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for locating the sign.
 - (c) In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the district lot, whichever is lower.
- (4) Uniform Construction Code. All signs and other advertising structures shall comply with the requirements of the Uniform Construction Code.
- (5) 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.
- (6) Reserved.
- (7) Public Right-Of-Way; Setbacks. No part of any sign may be erected or maintained in the public right-of-way other than official traffic signs.
- (8) Obstruction to Ingress/Egress. No sign shall be erected, constructed, or maintained to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
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- (9) Obstruction to Ventilation. No sign shall be erected, constructed, or maintained to interfere with any building opening required for ventilation.
- (10) Clearance from Electrical Power Lines and Communication Lines. All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
- (11) 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.
- (12) Obstruction to Warning or Instructional Sign. No sign shall be erected, constructed, or maintained to interfere with any existing warning or instructional sign.
- (13) 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 chapter.
- (14) 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.
- (15) 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.
- (16) Wall Signs.
 - (a) Wall signs shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six (6) inches from the wall, nor above or beyond the top and ends of the wall.
 - (b) 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.

D. Maintenance.

- (1) Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean and sanitary condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- (2) Sign Owner's Responsibility. The sign owner shall be responsible for the maintenance of the sign. If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.

E. Illumination. All signs permitted by this Article may be illuminated in accord with the provisions of §27-67

and the following:

- (1) Type of Illumination. Illumination may be by internal, internal/indirect or by indirect means.
 - (2) Flashing. Flashing signs are prohibited in accord with §27-157A (4). (See §27-163 for permitted electronic signs.)
 - (3) Glare. All signs shall be so designed located, shielded, and directed 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.
- F. Signs on Roof. No sign attached to a building shall be placed on nor shall extend above any part of the building roof except in C-1 and I-1 Districts per §27-161E. (See the definition of *roof sign* in §27-155.)
- G. Awning and Canopy Signs.
- (1) Buildings. Signs affixed to the surface of an awning or canopy on a building are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such awning or canopy. In addition:
 - (a) Awning 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.
 - (b) 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 forty (40) inches and shall not exceed more than twenty-five (25) percent of the sloped surface.
 - (c) No awning or canopy sign shall extend into a required side or rear setback.
 - (d) The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 - (e) A name sign not exceeding two (2) 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 eight and one-half (8.5) feet above the sidewalk.
 - (2) Fuel Service Canopy Signs. Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo, shall be subject to the following:
 - (a) Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
 - (b) There shall not be more than one (1) service island canopy sign on each face of the canopy.
 - (c) The gross surface of a service island canopy sign shall not exceed fifty (50) percent of the surface
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area of the canopy face to which it is attached.

H. Window Signs. Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- (1) Location. Signs on or inside the windows of a business are permitted and no permit is required.
- (2) 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.
- (3) Illumination. Window signs may be internally illuminated but shall not flash or otherwise meet the definition of an electronic sign.

I. Freestanding Sign Landscaping. All freestanding business identification and business and residential subdivision identification signs shall be placed in a landscaped area of not less than one (1) square foot of landscaping for one (1) square foot of sign area, but in no case less than fifty (50) square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord with §27-61.

§27-158 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §27-158.

A. General Conditions.

- (1) Permit Required. A permit shall be required unless a certain type of temporary sign is specifically exempted.
- (2) Materials and Methods. The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
- (3) Illumination. Unless specifically permitted for certain signs, temporary signs shall not be illuminated.
- (4) Sign Types. Temporary signs shall be limited to non-projecting wall signs or attached ground signs.

B. Temporary Business Banners, Flags and Signs. (See §27-158H for temporary event directional signs.) Temporary business banners, flags, and signs (referred to as *temporary business signs*) in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- (1) Number. There shall not be more than 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.
 - (2) Area. The aggregated area of all temporary business signs shall not exceed forty (40) square feet.
 - (3) Location. Temporary business signs shall be located only upon the premises upon which the special,
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unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.

- (4) Height. Temporary business signs shall not project higher than fifteen (15) feet.
 - (5) Special Conditions. Temporary business signs shall be displayed for a maximum of ten (10) consecutive days with a maximum of 12 events per calendar quarter.
 - (6) Permit Required. A permit shall be required. In lieu of a permit for each event, application may be made for an annual permit with details of the nature and timing of sign display.
- C. Temporary Development Signs. Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:
- (1) Number. There shall not be more than one (1) temporary development sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
 - (2) Maximum Area.
 - (a) R-1, R-2 and R-3 Districts – 16 square feet.
 - (b) Other districts – 32 square feet.
 - (3) Location. Temporary development signs shall be located only upon the premises upon which construction either is about to occur or is occurring. Such signs may be located in any required setback area but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
 - (4) Height. Temporary development signs shall not project higher than fifteen (15) feet.
 - (5) Special Conditions. Temporary development signs shall be permitted only accessory to an approved zoning permit for a project or development. Temporary development signs may be erected and maintained for a period not earlier than 60 days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.
 - (6) Permit Required. A permit shall be required.
- D. Temporary Contractor or Subcontractor Signs. Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:
- (1) Number. There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
 - (2) Maximum Area.
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- (a) R-1, R-2 and R-3 Districts - six (6) square feet.
 - (b) Other districts – twelve (12) square feet.
 - (3) Location. Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is actively working. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
 - (4) Height. Temporary contractor or subcontractor signs shall not project higher than fifteen (15) feet.
 - (5) Special Conditions. Temporary contractor or subcontractor signs shall be permitted only accessory to an approved building permit for a project or development. Temporary contractor or subcontractor signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed immediately upon completion of the contractor/subcontractor work.
 - (6) Permit Not Required. A permit shall not be required.
- E. Noncommercial Temporary Event Signs Including Banners. (See §27-158H for temporary event directional signs.) Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:
- (1) Number. There shall be not more than two (2) temporary event signs per lot.
 - (2) Maximum Area.
 - (a) R-1, R-2 and R-3 Districts – sixteen (16) square feet.
 - (b) Other districts – forty (40) square feet.
 - (3) 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.
 - (4) Permit Not Required. A permit shall not be required.
- F. Temporary Political Signs. A *temporary political sign* is a sign that supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.
- (1) Road Right-of-Way. No sign shall be erected in a public or private road right-of-way.
 - (2) Clear Sight; Hazards. No sign shall violate the clear sight requirements of §27-21F or otherwise be erected in such manner as would constitute a public hazard.
 - (3) Height. The sign shall not project higher than fifteen (15) feet.
 - (4) Timing. Signs may be displayed for a period not to exceed 45 days prior to the date of the election to
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which the signs are applicable and shall be removed within ten (10) days following the election.

- (5) Support. Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
- (6) Permit Not Required – A permit shall not be required. 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.

G. Temporary Real Estate Signs.

- (1) On-Site Signs. Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:
 - (1) Number. There shall be not more than one (1) temporary real estate sign for each 1,000 feet of lot road frontage for each road on which the lot fronts
 - (2) Maximum Area.
 - (a) R-1, R-2 and R-3 Districts - six (6) square feet.
 - (b) Other districts – twelve (12) square feet, but six (6) square feet for residential properties.
 - (3) Location. Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
 - (4) Height. Temporary real estate signs shall not project higher than fifteen (15) feet.
 - (2) Temporary Real Estate Sale Directional Signs. In addition to the on-site real estate signs, the following signs may be erected by each listing agency to advertise a property or properties not fronting on a Township or state road.
 - (a) Number. Not more than two (2) single-sided signs may be erected by each listing agency (not for each listing) at each intersection which shall serve to advertise any and all property that is listed on the private road.
 - (b) Maximum Area. The sign face area shall not exceed two (2) square feet.
 - (c) Location. Such signs shall not be permitted at the intersection of two (2) public roads.
 - (d) Sign Text. The sign text shall be limited to a directional arrow and “house for sale”, “property for sale”, “business for sale”, “house for rent”, “property for rent” or “business for rent,” along with the listing agency business name or logo.
 - (e) Height. The sign shall not project higher than three (3) feet.
 - (f) Permission from Property Owner. Permission must be obtained from the owner of the property upon which the sign is erected.
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(3) On-Site and Directional Real Estate Signs.

(a) 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.

(b) Permit Not Required. A permit shall not be required for temporary real estate signs.

H. Temporary Event Directional Signs. Temporary event directional signs may be erected only in association with permitted temporary business banners, flags and signs (§27-158B) and only in association with noncommercial temporary event signs including banners (§27-158E) in accord with the following:

(1) Number. Not more than one (1) sign shall be erected for each direction at each intersection of a public road.

(2) Maximum Area. The sign face area shall not exceed four (4) square feet.

(3) Sign Text. The sign text shall be limited to a directional arrow and the name of the event.

(4) Height. The sign shall not project higher than four (4) feet.

(5) Permission from Property Owner. Permission must be obtained from the owner of the property upon which the sign is erected.

(6) Special Conditions. The signs shall be placed no more than two (2) days prior to the event and shall be removed immediately upon the conclusion of the event.

(7) Permit Required. A permit shall be required. In lieu of a permit for each event, application may be made for an annual permit with details of the nature and timing of sign display.

I. Temporary Seasonal Agricultural Sales Signs. Temporary seasonal agricultural sales signs shall be subject to the following: (Examples of such signs include, but are not limited to, "Pick Your Own Berries," "Christmas Trees," or produce sales.)

(1) Area and Number. The aggregate surface area of all signs shall not exceed twenty (20) square feet with no limit on the number of signs.

(2) Location. Such signs shall be located only upon the premises where the seasonal agricultural activity is taking place. Such signs may be located in any required setback but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.

(3) Height. The signs shall not project higher than fifteen (15) feet.

(4) Special Conditions. Such signs shall not be erected more than seven (7) days before the harvest of the produce and shall be removed within seven (7) days from the end of the harvest.

- (5) Permit Not Required. A permit shall not be required.

§27-159 Residential Uses

The following signs are permitted in all districts as an accessory use to a permitted residential use.

- A. Residential Building Name and Address Signs. Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:
- (1) Type. Building name and address signs may be either wall signs or ground signs.
 - (2) Number. There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or more streets, one (1) additional sign oriented to each abutting street shall be permitted.
 - (3) Area. Building name and address signs shall not exceed four (4) square feet.
 - (4) Location. Building name and address signs shall not be located within fifteen (15) feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
 - (5) Height. Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs.
- B. Residential Development Road Entrance Signs. Residential development road entrance signs for developments with two (2) or more buildings with a total of five (5) or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:
- (1) Type. The residential development road entrance signs shall be ground signs.
 - (2) Number. There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development.
 - (3) Area. Residential development road entrance sign area shall not exceed thirty-two (32) square feet.
 - (4) Location. Residential development road entrance signs may be located in any required setback but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
 - (5) Height. Residential development road entrance signs shall not project higher than fifteen (15) feet.
 - (6) Sign Faces. Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.
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- C. Home Occupation Signs. One sign of not more than four (4) square feet for each face and not projecting more than fifteen (15) feet in height shall be permitted.

§27-160 Nonresidential Uses in A-R, R-1, R-2, R-3 and OS Districts

Principal nonresidential permitted uses located in A-R Agricultural-Rural, R-1 Low Density Residential, R-2 Medium Density Residential, R-3 Medium Density Residential and OS Open Space Districts are permitted to have one (1) freestanding and one (1) wall sign in accord with the following regulations:

A. Area and Height.

- (1) The maximum area and height of freestanding signs shall be twenty (20) square feet and eight (8) feet respectively.
- (2) The maximum area of wall signs shall be twenty-four (24) square feet.

B. Number.

- (1) The maximum number of freestanding signs shall be one (1) per lot. On a corner lot the sign shall be placed on the street of highest classification.
- (2) The maximum number of wall signs shall be one (1) per principal building.

§27-161 C-1 and I-1 Districts

For all commercial, manufacturing, industrial, public and semi-public uses (referred to as *business* in this section) in the C-1 Commercial and I-1 Research and Development and Industrial Districts 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 §27-161 and any other applicable provisions contained in this Article:

- A. Incidental Signs. No more than a total of five (5) directional or instructional signs and/or permanent promotional signs may be erected or maintained on any premises, exclusive of free-standing signs per §27-161D. No such sign shall exceed a maximum of thirty-two (32) square feet per sign. However, if there are multiple businesses on the premises and the premises are within two thousand (2,000) feet of a limited access highway, five (5) on-premises business signs will be permitted per business.

B. Projecting Signs.

- (1) No projecting sign shall extend into the public right-of-way, except in those instances where the right-of-way extends to the building face or within five (5) feet of the building face, in which case the sign may extend up to five (5) feet from the building faces.
 - (2) Signs up to and including eight (8) square feet shall be at least eight (8) feet above grade. Signs nine (9) to twelve (12) square feet shall be at least ten (10) feet above grade.
 - (3) A sign area shall not exceed twelve (12) square feet and the vertical dimension shall not be greater than six (6) feet.
 - (4) Only one (1) projecting sign per premises except that corner premises or premises with public entrances on two (2) or more public ways may erect an additional projecting sign toward each public way.
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C. Wall Signs.

- (1) There shall be not more than one (1) wall sign for each principal building except that corner premises or premises with public entrances on two (2) or more public ways may erect an additional wall sign toward each public way.
- (2) The gross surface area of a wall sign shall not exceed eighteen (18) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed.
- (3) A wall sign may be located on the outermost wall of any principal building but shall not project more than sixteen (16) inches from the wall to which the sign is to be affixed.
- (4) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (5) No part of a wall sign shall extend beyond the left and right extremities of the wall to which it is to be attached.
- (6) Where a principal building is devoted to two (2) or more permitted uses, the operator of each such use may install a wall sign upon his proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.

D. Free Standing Signs.

- (1) Every part thereof shall be located entirely behind the property line and shall not project over public right-of-way or other adjoining lands.
- (2) The sign area shall be limited to a maximum of 55 square feet and a single dimension shall not exceed 11 feet. If there are multiple businesses on a premises the sign area shall be limited to a maximum area of two hundred fifty (250) square feet for a free-standing sign and a single dimension shall not exceed twenty (20) feet.
- (3) No premises shall contain more than one (1) free standing sign, except that corner premises or premises with a public entrance to two (2) or more public ways may erect an additional free-standing sign facing toward each public way.
- (4) No sign or part thereof shall be more than twenty-five (25) feet above grade.

E. Roof Signs.

- (1) Prior to installation, an Engineer or Architect Certification must be provided to ensure installation will comply with Local Building Codes and standard installation practices. Thereafter, an annual Certification by an Engineer or Architect shall be submitted stating that the sign still satisfies all Building Code requirements.
 - (2) Illuminated roof signs must be UL approved.
 - (3) One roof sign shall be permitted for every two hundred (200) feet of building frontage; provided,
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however, that every building with less than two hundred (200) feet of frontage shall be allowed one (1) roof sign.

F. Automatic Teller Machine (ATM) Signs. ATM signs shall be permitted in association with an approved business subject to the following:

- (1) Location. Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- (2) Area. The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the 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.
- (3) Permit Not Required. A permit shall not be required for automatic teller machine signs.

G. Retail Fuel Sales.

- (1) 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 §27-163C.

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

- (2) Height. The sign shall be installed below the business identification sign.

I. 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.

I. Shingle Signs. In addition to the other signs permitted by this chapter each establishment with a separate entrance to the outside shall be permitted a shingle sign in accord with this §27-161I.

- (1) A shingle sign shall not exceed six (6) square feet and the area of the shingle sign shall count toward the total square footage permitted for individual business identification signs by §27-161.
- (2) Shingle signs shall be limited to two (2) sign faces installed perpendicular to the building facade.
- (3) No portion of a shingle sign shall be less than eight (8) feet above any pedestrian walkway or the grade below the sign.
- (4) No portion of a shingle sign shall project above the top of an eave or parapet.

- (5) Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
 - (6) A shingle sign shall maintain a ten (10)-foot separation from another shingle sign.
 - (7) Shingle signs shall be located at the business entrance.
 - (8) Shingle signs shall not be more than six (6) inches or less than one (1) inch thick.
- J. A-Frame or Sandwich Board Signs. A-frame or sandwich board signs shall be permitted for retail/service/wholesale commercial establishments subject to the following:
- (1) Each business establishment shall be limited to one (1) A-frame or sandwich board sign.
 - (2) The sign shall be comprised of two (2) boards of durable material with no attachments.
 - (3) The sign shall not exceed eight (8) square feet for each exposed face and shall not exceed 30 inches in width or four (4) feet in height.
 - (4) The sign shall not be illuminated.
 - (5) The sign shall be displayed only during the hours when the establishment is open for business and shall include advertising pertaining only to the establishment of location.
 - (6) The sign shall not be placed in such manner as to impede pedestrian or vehicle traffic or the opening of vehicle doors.
 - (7) The sign shall be sufficiently secured or weighted to resist overturning.
 - (8) The sign shall not be displayed at any time when snow has accumulated on or has not been completely removed from the sidewalk in front of the premises where the sign is permitted.

§27-162 Billboards and Off-Premises Signs

- A. Billboards. Billboards are permitted only in C-1 Commercial and the I-1 Research and Development and Industrial Districts subject to the following:
- (1) Number. One (1) billboard sign may be erected, constructed or maintained on any premises as provided herein in a C-1 District or I-1 District if a conditional use is granted by the Board of Supervisors.
 - (2) Vacant Lot Only. A billboard shall not be permitted on any premises on which a principal structure is located.
 - (3) Area. A billboard shall not exceed three hundred (300) square feet in surface area, may have two (2) parallel faces, but may not be vertically or horizontally doubled or multiplied further in any fashion.
 - (4) Spacing. A billboard shall not be closer than one thousand (1,000) feet to another billboard along the same side of any street or highway.
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- (5) Setbacks. The sign shall maintain the setbacks required for principal structures located within said Districts.
- B. Off-Premises Signs. Off-premises signs are permitted only in C-1 Commercial and the I-1 Research and Development and Industrial Districts subject to the following:
- (1) Number. No more than five (5) off-premises signs may be erected, constructed or maintained on any premises in a C-1 District and I-1 District.
 - (2) Area. No off-premise sign shall exceed thirty-two (32) square feet in surface area.
 - (3) Setbacks. The sign shall maintain the setbacks required for accessory structures located within said Districts.
- C. Billboards and Off-Premises Signs. Billboards and off-premises signs (each referred to as *sign*) shall comply with the following:
- (1) Spacing at Intersections. A sign shall not be located within one hundred fifty (150) feet of any street intersection.
 - (2) Height. A sign shall not project higher than twenty-five (25) feet as measured from the average grade of the proposed site.
 - (3) Site Plan. An application for a sign shall be accompanied by a site plan and contain all the applicable requirements as set forth in this chapter.
 - (4) Engineering Certification. Any application for a sign shall be accompanied by certification under seal by a professional engineer that the existence of the billboard, as proposed, shall not present a safety hazard.

§27-163 Electronic Message Signs

In addition to all other applicable regulations, the following regulations shall apply to all electronic message signs. In the case of conflict, the more restrictive standard shall apply.

- A. Location, Number Size and Height.
- (1) Location. Electronic message signs shall be located only on parcels within the C-1 Commercial and the I-1 Research and Development and Industrial Districts.
 - (2) Number. Each development parcel shall be limited to one (1) electronic message sign which is used in lieu of another permitted sign. In the case of a shopping center, mall or multiple occupant business comprised of several parcels, one (1) electronic message sign shall be permitted for the entire development.
- B. Nonconforming Sign Conversion.
- (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
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message sign.

C. Message Display.

- (1) 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.
- (2) 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.
- (3) Malfunction. All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one (1) position and lock the luminance level to the nighttime setting should a malfunction occur.
- (4) Projection. Images or messages projected onto buildings or other objects shall be prohibited.
- (5) Brightness. (See also §27-67 for lighting and glare.)
 - (a) 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.
 - (b) Signs shall have a maximum brightness of no more than three tenths (0.3) footcandles above ambient light levels as measured at one hundred fifty (150) feet from the sign.
 - (c) All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's brightness according to natural ambient light conditions. The sign shall also be equipped with an automatic malfunction shut off switch.
 - (d) Signs shall comply with light trespass regulations set forth in §27-67.
 - (e) Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign is equipped to comply with this §27-163.

§27-164 Nonconforming Signs

- A. Legal, Nonconforming Signs. Any sign lawfully existing or under construction on the effective date of this chapter, which does not conform to one (1) or more of the provisions of this chapter, may be continued in operation and maintained as a legal nonconforming use.
 - B. Maintenance and Repair.
 - (1) Area. The total area of any nonconforming sign shall not be increased.
 - (2) Removal and Reconstruction. The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of Article IX applicable to other nonconforming structures.
 - (3) Damage or Destruction. A nonconforming sign which is damaged or destroyed may be rebuilt in a
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nonconforming fashion only in accord with Article IX applicable to other nonconforming structures.

(4) 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.

(5) Conversion to Electronic Message Sign. See §27-163B.

§27-165 Removal of Certain Signs

A. Abandoned Signs

(1) Removal. Any sign, whether existing on or erected after the effective date of this chapter, 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.

(2) Enforcement. Enforcement of a violation of §27-165A shall be in accord with §27-184.

B. Nuisance Signs

(1) Violation. The maintenance of any sign which is unsafe or insecure, or is a public nuisance, shall be considered a violation of this Article.

(2) Enforcement. Enforcement of a violation identified in §27-165B (1) shall be in accord with §27-184.

(3) Immediate Peril. Notwithstanding the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

(4) 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.

(5) Removal. Any such 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.

C. Illegal Signs. If the Zoning Officer shall find that any sign is displayed in violation of this chapter, he/she shall proceed with an enforcement action in accord with §27-184.

§27-166 Reserved

§27-167 Reserved

**ARTICLE XII
ADMINISTRATION**

§27-168 Applicability

- A. Conformance. Any activity regulated by this chapter shall only occur or be undertaken and be continued in conformance with the requirements of this chapter.
- B. Authorization. This chapter regulates all matters and activities authorized by Article VI of the Pennsylvania municipalities Planning code, as amended.
- C. Regulated Activities. Any of the following activities or any other activity or matter regulated by this chapter shall only be undertaken after the required permit or approval has been obtained in full compliance with this chapter:
- (1) Erection, construction, movement, placement, extension or demolition 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.
- C. 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 chapter.

§27-169 General Procedure for Permits

- A. Principal Permitted Use. Within forty-five (45) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:
- (1) Issue the permit under this chapter; or,
 - (2) Refuse the permit, indicating at least one (1) applicable reason in writing to the applicant or his/her representative.
- B. 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.
- C. Appeal. See §27-173B (2).
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- D. Timing. After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this chapter 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.

§27-170 Permits and Certificates

- A. Applicability. See §27-168.

- B. Types of Uses.

- (1) Principal Permitted Uses (Permitted by Right Uses) - If a use is listed as a principal permitted use by this chapter and meets the requirements of this chapter, the Zoning Officer shall issue a permit in response to a complete application.

****RE-NUMBER THE FOLLOWING ITEM****

- (2) Conditional Use - A permit under this chapter 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.

- C. Applications.

- (1) 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 chapter 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
- (2) 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.
- (3) 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 §27-170C 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 §27-170C(3)(f) 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 chapter or to identify any impacts of the proposed use.

- (a) Names and address of the applicant, or appellant; and the name and address of the owner of the affected property.
- (b) 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.
- (c) 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
- (d) 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.
- (e) A listing of any specific sections of this chapters being appealed, with the reasons for any appeal and
- (f) A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - [1] Name of the development
 - [2] Name and address of land owner and/or land developer. (If corporation give name of officers.)
 - [3] Location map
 - [4] North arrow, true or magnetic
 - [5] Graphic scale
 - [6] Written scale
 - [7] Date plot plan was completed
 - [8] Names of adjacent property owners and tax map numbers, including across adjacent roads.
 - [9] Proposed and existing street and lot layout including street names and right-of-waywidths.
 - [10] Existing and proposed man-made and/or natural features.
 - [a] Water courses, lakes and wetlands (with names)
 - [b] Significant rock outcrops, ledges and stone fields
 - [c] Buildings, structures, signs and required setbacks
 - [d] Approximate location of tree masses
 - [e] Utility lines, wells and sewage system(s)
 - [f] Entrances, exits, access roads and parking areas including the number of spaces
 - [g] Drainage and storm water management facilities
 - [h] Plans for any required buffer plantings

- [i] Any and all other significant features.
- (g) Location of permanent and seasonal high water table soils and 100-year flood zones.
- (h) Tract boundaries accurately labeled. The Zoning Officer, in his discretion, may require a survey prepared by a Pennsylvania Registered Land Surveyor for any application
- (i) 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.
- (j) Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
- (k) A statement of the type of water supply and sewage disposal proposed.
- (l) The present zoning district and major applicable lot requirements.
- (4) Other Laws - The Zoning Officer may withhold issuance of a permit under this chapter if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- (5) Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article III.)
- (6) 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.
- (7) Subdivision Approval - Applications for uses which also necessitate approvals under Chapter 22 (Subdivision and Land Development) shall be processed in the manner provided for plat approval under that chapter. Such applications shall also contain all information or data normally required for a submission under Chapter 22 (Subdivision and Land Development). A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Chapter 22 (Subdivision and Land Development). 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 §27-170G.

D. Issuance of Permit.

- (1) At least two (2) copies of any permit required under this chapter shall be made.
 - (2) One 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.
 - (3) The Zoning Officer shall issue or deny a permit for a principal permitted use within a maximum of forty-five (45) days after a complete, duly filed application and fees are submitted.
 - (4) No owner, contractor, worker or other person shall perform building or construction activity of any kind
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regulated by this chapter 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.

- E. Revocation of Permits. If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer. The Zoning Officer shall revoke a permit or approval issued under the provisions of this chapter in case of:
- (1) 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
 - (2) Upon violation of any condition lawfully imposed upon a, variance or conditional use; or,
 - (3) Any work being accomplished or land or structures being used in such a way that does not comply with this chapter or an approved site plan or approved permit application; or
 - (4) For any other just cause set forth in this chapter.
- F. Changes to Approved Plans.
- (1) After the issuance of a permit and/or approval under this chapter by the Township, such approved application shall not be changed without the written consent of the Township
 - (2) Changes to an approval 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
 - (3) A copy of such adjustment or correction shall be provided in writing to the Planning Commission and the Board of Supervisors if the change concerns a plan approved by such bodies.
- G. Certificate of Use.
- (1) 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 chapter. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until the Certificate of Use 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.
 - (2) If the use or structure is in conformance with Township ordinances and approvals, the Certificate of Use shall 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
 - (3) The Zoning Officer or other representative of the Township shall inspect the structure or land related to an application for a Certificate of Use. If it is determined that such structure or land conforms with this chapter and applicable Township ordinances, approvals and permits, then the Certificate of Use shall be
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issued.

(4) The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

H. 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:

- (1) A safe potable water supply and delivery system.
- (2) A sewage disposal System which meets all state and township requirements
- (3) Required off-street parking spaces.
- (4) Power supply facilities approved by the local utility company.

I. Expiration of Permits and Approvals.

- (1) 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
- (2) Conditional Use Approval Approval - See §27-176E.

§27-171 Fees

- A. 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 chapter. Permits, certificates, conditional use 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.
- B. Stenographer Fees. 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.

§27-172 Zoning Officer

- A. 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.
- B. Duties and Powers. The Zoning Officer shall:
- (1) Administer this chapter
 - (2) Provide information to applicants regarding required procedures.
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- (3) Receive and examine all applications required under the terms of this chapter, and issue or refuse permits within this chapter
 - (4) Receive written complaints of violation of this chapter, and issue a written notice of violation to any person violating any provision of this chapter.
 - (5) Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances 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.
 - (6) Make all required inspections and perform all other duties as called for in this chapter.
 - (7) Not have the power to permit any activity which does not conform to this chapter, or all other ordinances of the Township known to the Zoning Officer.
- C. 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 chapter, unless such mandatory qualifications are waived by motion of the Board of Supervisors.
- (1) The person shall demonstrate a working knowledge of zoning.
 - (2) The person shall have one (1) of the following combinations of education and experience:
 - (a) A high school diploma or equivalent and a minimum of four years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
 - (b) A 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,
 - (c) 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.
 - (3) The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Magisterial Judge.
 - (4) The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
 - (5) The person shall demonstrate excellent oral and written communication skills.
 - (6) The person shall be familiar with the PA Municipalities Planning Code.
- D. Reporting Violations. Police officers, firefighters, construction inspectors, other Township staff and Township
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officials and the general public may report possible zoning violations to the Zoning Officer in a formal written complaint for his/her determination.

§27-173 Zoning Hearing Board

A. Appointment and Qualifications.

- (1) 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.
- (2) Recommended Qualifications - Each Zoning Hearing Board member should:
 - (a) Demonstrate a working knowledge of zoning prior to appointment.
 - (b) Become familiar with the PA Municipalities Planning Code.
- (3) Vacancies. The Zoning Hearing 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.
- (4) Removal of Members. See §905 of the PA Municipalities Planning Code.
- (5) Organization.
 - (a) Officers - The Zoning Hearing Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 - (b) 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 Zoning Hearing Board, except that the Zoning Hearing Board may appoint a hearing officer in accord with the PA MPC 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.
 - (c) Rules - The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

B. Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) 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.
 - (2) 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.
 - (3) Applications for variances from the terms of this chapter pursuant to §910.2 of the Pennsylvania
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Municipalities Planning Code.

****RE-NUMBER THE FOLLOWING****

- (4) Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code
- (5) 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
- (6) 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.

§27-174 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 §27-174. 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 §27-174 Board shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

- (1) 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
- (2) 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
- (3) Persons Given Notices - All notice under this §27-174A are intended to be received or posted at least five (5) days prior to the hearing date.
 - (a) Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 - (b) Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.
 - (c) 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.

- (4) 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.
 - (5) 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 chapter and b) those persons requesting any notice not required by this chapter.
- B. 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 effects of controversy to obtain judicial resolution of that controversy.)
- (1) 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.
 - (2) 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.
 - (3) 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.
- C. 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.
- D. 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.
- E. 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.
- F. Communications Outside of Hearings.
- (1) 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.
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- (2) 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.
- G. 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.
- H. 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.
- I. Solicitor Conflict.
- (1) The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
 - (2) 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.
 - (3) 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.

§27-175 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).

- A. 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:
- (1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located; and,
 - (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and a variance is therefore necessary to enable the reasonable use of the property; and,
 - (3) Such unnecessary hardship has not been created by the appellant; and,
 - (4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare; and,
 - (5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent
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the least modification possible of the regulation in issue.

- B. Reserved
- C. 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 chapter, and to protect the public health, safety and welfare.

§27-176 Conditional Uses

- A. Applications. Applications for conditional uses shall, at a minimum, include the information required in §27-176F. The Township Planning Commission and the Board of Supervisors, shall require any other information deemed necessary for the review of the proposal.
- B. 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 chapter and in §27-176D and any other applicable standards in this chapter.
 - (1) 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.
 - (2) Procedure.
 - (a) Submission - The applicant shall submit the application as follows
 - [1] Five (5) complete copies of any required plan shall be submitted to the Zoning Officer.
 - [2] The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this chapter.
 - (b) 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 Planning Commission.
 - (c) Zoning Officer Review - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this chapter. The Zoning Officer may request a review by the Township Engineer
 - (d) Planning Commission Review.
 - [1] 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.
 - [2] If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.

- (e) Agency/Organization Review - The Zoning Officer, Planning Commission and/or the Board of Supervisors may refer the application to any other agency or organization deemed appropriate for review and comment.
- (f) Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended. In granting a conditional use, the Board may attach such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this chapter, and to protect the public health, safety and welfare.

[1] **RENUMBER THE FOLLOWING ITEMS**

- C. Standards and Criteria. The standards and criteria applied to conditional uses are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of the Township. In addition to the applicable general provisions of this chapter and to the standards provided in this chapter for specific conditional uses, the following standards and criteria shall be applied in the review of applications for conditional uses.
- (1) The proposed use shall be in harmony with purposes, goals, objectives and standards of this chapter and all other ordinances of the Township.
 - (2) 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.
 - (3) 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 chapter, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development
 - (4) 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
 - (5) In reviewing an application, the following additional factors shall be considered:
 - (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs
 - (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
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- (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (e) Adequacy of storm water and drainage facilities.
 - (f) Adequacy of water supply and sewage disposal facilities.
 - (g) 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
 - (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants
 - (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (6) 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 chapter 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 chapter 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.
- (7) 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.
- D. Limitation of Approval. Any conditional use approval granted by the Township Supervisors 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.
- E. Information Required. The applicant shall supply the information required by §27-170C 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.

§27-178 Mediation

Parties to proceedings authorized by this chapter and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

§27-179 Time Limits for Appeals

The time limitations for appeals shall be as follows:

- A. 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.
- B. Temporary Permits. This thirty (30)-day time limit for appeal shall not apply to the revocation of a permit under §27-170E.
- C. 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.

§27-180 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.

§27-181 Public Utility Exemptions

See §619 of the PA Municipalities Planning Code.

§27-182 Limited Township Exemption

The minimum lot area requirements of this chapter 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.

§27-183 Amendments

The Board of Supervisors may amend this chapter 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.

§27-184 Violations

- A. Compliance. Failure to comply with any provision of this chapter, 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 chapter.
 - B. Complaints. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto.
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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.

- C. **Enforcement Notice.** When written notice of a violation of any of the provisions of this chapter 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 §27-184C, such violation shall be discontinued or corrected as set forth in said notice.
- (1) If it appears to the Township that a violation of this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §27-184C.
 - (2) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
 - (3) An enforcement notice shall state at least the following:
 - (a) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (b) The location of the property in violation
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) 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 chapter
 - (f) 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.
 - (g) In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first
 - (h) 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.

§27-185 Penalties and Remedies

- A. **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 chapter, 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,
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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.

B. Enforcement Remedies.

- (1) Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 (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 Magisterial Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magisterial Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Magisterial Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the Township.
- (2) 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.
- (3) Nothing contained in this §27-185 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 §27-185.

§27-186 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 chapter, 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.

§27-187 Reserved

§27-188 Reserved

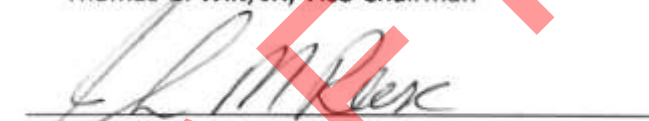
**ARTICLE XIII
ADOPTION**

§27-189 Adoption.

This Ordinance ordained and enacted this 3rd Day of March, 2021, by the Board of Supervisors of Pine Creek Township, Clinton County, Pennsylvania, to become effective five (5) days following adoption by the Pine Creek Township Board of Supervisors.


Dennis C. Greenaway, Chairman


Thomas G. Wilt, Jr., Vice-Chairman


John M. Reese, Supervisor

ATTEST:

