

ORDINANCE 03-01

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF PENN FOREST TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, ENTITLED "PENN FOREST TOWNSHIP ZONING ORDINANCE OF 1991" ("ZONING ORDINANCE").

BE IT ENACTED AND ORDAINED by Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following additions, deletions, and amendments be made a part of the Zoning Ordinance:

1. The Floodplain Performance Standards contained in Sections 5.907, 5.908, 5.909 and 5.910 shall be deleted in their entirety.

2. Sections 2.131 (defining "Floodplain"), 2.131(A) (defining "Floodplain Soils"), and 2.131 (B) (defining "Floodway") shall be deleted.

3. The following condition shall be added to Section 4.303 (Conditional Uses), Use Class 17 (Communication Towers):

20. In the event a Communication Tower, a cell site antenna, or the lot upon which they are located is assigned, conveyed or otherwise transferred ("transfer") to another person, within thirty (30) days of such transfer both the owner of the lot, and the owner of the Communication Tower, if different than the owner of the lot, shall notify the Zoning Officer in writing of the transfer, describing what was transferred (i.e. the Communication Tower, a cell site antenna, or the lot upon which they are located), the effective date of the transfer, and the name and address of the transferee. This shall be a continuing obligation of both the owner of the lot, and the owner of the Communication Tower, if different than the owner of the lot, and such notice shall be given each time a transfer occurs.

A "transfer" shall include a sale or conveyance of a beneficial interest, a change in either the identity or number of members of a partnership or similar entity, or a change in ownership of more than twenty-five (25%) percent of the voting stock of a corporation or similar entity.

4. Section 4.303 (Conditional Uses), Use Class 18 (Heavy Commercial/Limited Industrial), subparagraph 2, shall be deleted in its entirety and replaced by the following:

The maximum ground floor area (including covered porches, carports and breezeways, but excluding open patios – see Section 2.108), of any building used for a Heavy Commercial/Limited Industrial Use shall not exceed 50,000 square feet. This square footage limitation is in addition to, and not in lieu of, the Table of Performance Standards found in Section 5.300 and the Dimensional and Area Requirements found in Section 5.400.

5. The following shall be added to Section 4.301 (Permitted Uses), Use Class 6 (Accessory Uses and Essential Services):

In the Highway Commercial (Use Class 2), Neighborhood Commercial (Use Class 3) and Heavy Commercial/Limited Industrial (Use Class 18) districts, outdoor storage of goods and materials shall be permitted as a customary accessory use provided:

a. The goods and materials stored outside are of the kind and amount customarily stored outside as inventory or work in progress in conjunction with the principal use(s) of the permitted building(s) on the lot.

b. All outdoor storage shall be to the rear of the principal building to which it is customarily accessory, and to the extent reasonably possible, behind such principal building.

c. Nothing shall be stored outdoors within the minimum front yard, side yard and rear yard requirements; and nothing shall be stored within any required buffer yard.

d. All set-backs (except the front yard set-backs) shall be landscaped to provide appropriate visual screening and buffering in accordance with Section 5.600(f).

e. All outdoor storage shall be completely surrounded by a well maintained and secure chain link fence with a minimum height of eight (8') feet, and wire on top of the fence shall not be included in the measurement of the height of the fence.

f. The total area used for outdoor storage (i.e. the area within the circumference of the fence referred to in (e) above) shall be less than the total square footage of the ground floor of the principal building to which it is customarily accessory.

g. The total area used for outdoor storage (i.e. the area within the circumference of the fence referred to in (e) above) shall be counted as impervious surface for all purposes under both this Ordinance and the Penn Forest Township Subdivision and Land Development Ordinance, as amended.

h. All outdoor storage shall be neatly arranged and stacked to a height no greater than the least of (1) the height of the visual screening (See Paragraph 5(d) above); (2) the building height of the principal building to which the outdoor storage is customarily accessory; or (3) the maximum building height of the zoning district in which the outdoor storage is located.

i. All outdoor storage shall be arranged so as to permit access by firefighting equipment and emergency vehicles.

j. All outdoor storage shall be arranged so as to prevent the accumulation of stagnant water.

k. Nothing shall be stored outdoors which is noxious or offensive because of odors, dust, noise, fumes or vibrations, or which is highly flammable (e.g. gasoline) or would create or constitute a fire hazard.

l. Nothing shall be stored outdoors that is toxic to humans, animals or vegetation.

m. All outdoor storage shall be stored in such a manner that the goods and materials, or any part thereof, neither leave the lot on which the goods or materials are stored while being stored, nor enter into the "waters of the Commonwealth" (as that term is defined at 35 P.S. §691.1, as amended).

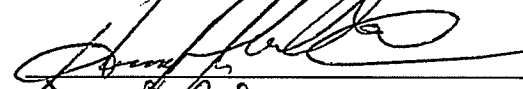
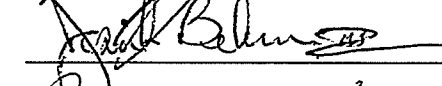
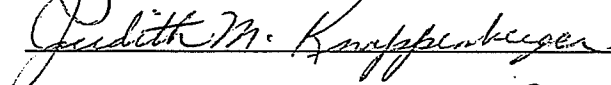
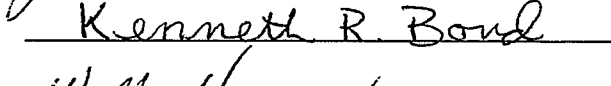
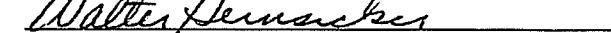
6. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed.

7. The Penn Forest Zoning Ordinance is amended in no other way.

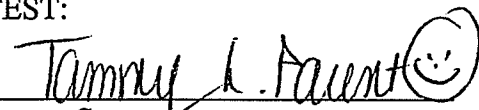
8. The Ordinance shall become effective five (5) days after its enactment.

THIS ORDINANCE IS ENACTED AND ORDAINED this 7<sup>th</sup> day of July, 2003.

BOARD OF SUPERVISORS  
TOWNSHIP OF PENN FOREST

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
Secretary