

## **ARTICLE 4**

### **ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

#### **401. APPLICABILITY.**

401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.

1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

#### **402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.**

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
  - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
    - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
    - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
    - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
  - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
    - (1) 500 lineal feet from the lot line of an existing dwelling,
    - (2) 500 lineal feet from the lot line of any lot in a residential zoning district,
    - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
  - c. No Adult Use shall be located within 1,000 lineal feet from any existing "adult use."
  - d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.
  - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
  - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
  - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
  - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.

- i. An Adult Use shall be prohibited in all Districts except where specifically allowed under Section 306. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
  - j. A minimum lot area of 1 acre is required.
  - k. 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.
  - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers. This shall include, but not be limited to, a prohibition on “lap dancing.”
  - m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
  - n. 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 facility."
  - o. Any application for such use shall state the name and daytime address of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Township business hours. Such information shall be regularly updated in writing to the Zoning Officer.
  - p. The use shall not operate between the hours of 12 midnight and 7 a.m.
  - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), 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).
  - r. An adult use shall not exist on the same lot as a use that sells alcoholic beverages.
2. **Adult Day Care Center.**
    - a. The use shall be fully licensed by the State, if required by the State.
    - b. The use shall include constant supervision during all hours of operation.
    - c. The use shall not meet the definition of a "treatment center."
  3. **After Hours Club** - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). In the event that the use would be determined to be allowed, a 500 feet setback shall apply from the building and any parking areas from any residential zoning district. The applicant shall prove that adequate on-site security will be in place.
  4. **Airport** -
    - a. As part of any special exception use approval required under Article 3, the Zoning Hearing Board shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
    - b. As part of a special exception use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.
    - c. Each end of a runway shall be setback a minimum of 150 feet from all lot lines. Each side of a runway shall be setback a minimum of 75 feet from all lot lines.
  5. **Animal Cemetery.**
    - a. All the regulations for a "cemetery" in this Section shall apply.
  6. **Apartments** - See "Townhouses and Apartments" in this Section 402.

7. **Assisted Living Facility/ Personal Care Center.** - The standards for nursing homes in this section shall apply.
8. **Auto, Boat or Mobile/ Manufactured Home Sales.**
  - a. No vehicle, boat or home on display shall occupy any part of the street right-of-way.
  - b. See light and glare standards in Section 505.
  - c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
9. **Auto Repair Garage.**
  - a. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
  - b. The use shall not meet the definition of a "junkyard" (as defined by Article 2) unless the requirements for such use are also met. A "Junk vehicle" (as defined by Article 2) shall not be kept within view of a road or dwelling for more than 120 days. Junk vehicles shall only be kept while they actively await repair or transfer to a salvage yard.
10. **Auto Service Station.**
  - a. This use may be combined with an Auto Repair Garage if the requirements for each are met.
  - b. Fuel pumps shall be at least 25 feet from the street right-of-way and shall meet side yard principal building setback requirements.
  - c. The use shall not meet the definition of a "junkyard" (as defined by Article 2) unless the requirements for such use are also met. The use shall meet the same "junk vehicle" regulations as an Auto Repair Garage.
  - d. The use may include a "convenience store" if the requirements for such use are also met.
  - e. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line. Such canopy may be attached to the principal building. A portion of the allowed wall sign area may be placed on the canopy.
11. **Bed and Breakfast Inn.**
  - a. Within a residential district (where permitted under Section 306), a maximum of 6 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
  - b. One off-street parking space shall be provided for each rental unit, plus employee parking. To the maximum extent feasible, off-street parking spaces for the bed and breakfast inn shall be:
    - a) located either to the side or rear of the principal building and
    - b) screened from the street and abutting dwellings by landscaping.
  - c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 8 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
  - d. The use shall be owned, operated or managed by permanent residents of the lot.
  - e. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
  - f. Guests shall not routinely stay for more than 21 days in any month.
  - g. See Section 309.C. regarding septic systems.
12. **Boarding House (includes Rooming House).**
  - a. Minimum lot area- 20,000 square feet.
  - b. Minimum side yard building setback - 30 feet side
  - c. Minimum lot width- 150 feet
  - d. Maximum density- 6 bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.

- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note: There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. See Section 309.C. regarding septic systems.

**13. Campground, Camp or Recreational Vehicle Campground**

- a. Retail sales shall be allowed as an accessory use, provided that in a residential district, the store is primarily intended to serve persons camping on the site.
- b. Minimum lot area - 3 acres in an allowed commercial or industrial district, 5 acres in any other district where the use is permitted under Article 3.
- c. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 75 feet from any lot line. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
  - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
- d. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- e. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

**14. Car Wash.**

- a. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

**15. Cemetery.**

- a. Minimum lot area- 2 acres, which may exist on the same lot as an allowed place of worship.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
- d. No grave sites and no structures shall be located within the 100-year floodplain.
- e. The applicant shall describe in writing as part of the application the financial system that will be put into place to guarantee perpetual maintenance.

**16. Commercial Communications Antennae/Tower as principal or accessory use.**

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
  - (1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - (a) a principal agricultural building or silo,
    - (b) an electric high voltage transmission tower,
    - (c) an existing lawful commercial communications tower,
    - (d) a fire station or steeple or bell tower of a place of worship, or
    - (e) a water tower.
  - (2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
  - (1) The applicant shall be required to demonstrate, using technological evidence, that the antenna/tower must be located as proposed. An applicant for a new tower shall provide evidence to the Board of Supervisors ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
  - (2) The applicant shall demonstrate that the proposed height is necessary to function satisfactorily.
  - (3) The applicant shall demonstrate that a proposed tower support structure meets requirements of the Construction Code and that there will not be hazards to persons from ice falling from the structure during windy conditions.
  - (4) A security fence with a minimum height of 8 feet shall surround the tower and all above-ground equipment.
  - (5) Landscaped visual screening shall surround a tower and any buildings, except at a driveway crossing. Such screening shall primarily include evergreen trees with an initial height of 6 feet. Such plantings shall be outside of the fence.
  - (6) A parking space shall be provided for a maintenance vehicle, which is not required to be paved.
  - (7) A business office or vehicle maintenance facility shall not be located on the lot unless such uses are allowed in the zoning district and meet the applicable requirements for such uses.
  - (8) To minimize the need for additional towers in the future, to the maximum extent feasible, a proposed communications tower shall include space for additional users, including a space that should be made available for fire, ambulance and/or police services if requested by the Township.
  - (9) See the requirements of the Construction Code.
  - (10) The applicant shall present evidence of compliance with applicable Federal requirements, such as the Federal Communications Commission and/or the Federal Aviation Administration. Where Federal or State permits will be required, Township approval shall be conditioned upon the applicant showing proof of having received such permits prior to construction.
  - (11) Colors should be used that reduce the visual intrusiveness of a tower. For example, areas below a surrounding tree line should be planted a brownish or greenish color. The proposed lighting shall be described in the application. The Township may restrict nighttime lighting when lighting is not required by Federal requirements.
  - (12) If a tower site is leased, a minimum lot area is not required for the leased area. However, the tower shall be on a lot that meets requirements for the zoning district and that allows

the tower to meet setback requirements from lot lines. Such lot shall not be subdivided in a way that would cause the tower to not meet required setbacks.

- (13) A site plan shall be prepared by a Professional Engineer or Registered Surveyor and submitted to the Township for review. Such site plan shall show setbacks, adjacent uses, maximum height, proposed lighting, proposed areas of woodlands to be cleared, proposed landscaping, proposed driveway and proposed fencing.
  - (14) Buildings that serve a tower shall meet minimum setbacks for a principal building.
  - (15) A communications tower that is taller than 75 feet above the ground level shall be setback a distance equal to a minimum of 200 feet plus the total height of the tower from any existing occupied dwelling on another lot. The Board of Supervisors may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - (16) An antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than 1.1 times the total height of the antenna/tower above the surrounding ground level.
  - (17) The owner of a tower shall notify the Zoning Officer in writing within 30 days if the ownership of the tower has changed.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
    - (1) To protect property values.
    - (2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
    - (3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
  - d. A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.
  - e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed. The Board may require that a financial guarantee be posted to pay for removal of the tower if the Board determines such guarantee is needed.
  - f. All accessory utility buildings or cabinets on the ground level shall have a maximum height of 10 feet.

**17. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.**

- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
- b. A previously residential building shall maintain a clearly residential appearance as viewed from the street, except as may be necessary for restoration of a historic building or the addition of handicapped or fire safety improvements.
- c. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance.
- d. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
- e. See Section 309.C. regarding septic systems.
- f. See parking requirements in Section 601.

**18. Day Care Center, Child.**

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
  - b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA Department of Public Welfare (or its successor agency) registration certificate or license.
  - c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
  - d. The use shall include secure fencing around outdoor play areas.
  - e. This use shall not be conducted as a principal use in a building that is physically attached to a dwelling that does not have a common owner.
  - f. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an accessory use.
19. **Emergency Services Station.**
- a. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and facilities for periodic special events.
20. **Forestry.** The provisions of this subsection apply to forestry involving more than 10 acres of land in any calendar year, other than: routine thinning of woods, cutting of trees for personal firewood for the landowner, Christmas Tree Farms, orchards, tree nurseries, forestry on state or federally owned land, or tree removal that is necessary to develop approved permitted uses or utilities or soil testing.
- a. A plan showing the area proposed to be forested and any proposed waterway or wetland crossings and roads shall be submitted to the Township, prior to the issuance of a zoning permit. The plan shall show the existing and proposed slopes in areas where logging roads are proposed. The plan shall provide a justification for any clearcutting of mature forests involving more than 10 acres. The plan shall also show stormwater and erosion control measures, such as filter strips and sedimentation basins.
  - b. A soil and erosion control plan shall be submitted to the County Conservation District for any review they may wish to provide, in addition to any approval that may be required under State law.
  - c. The cutting or removal of more than 50 percent of the forest cover (canopy) is prohibited within 50 feet from the top of the bank on each side of a perennial waterway and on areas with a natural slope greater than 25 percent. In such areas, the remaining trees shall be distributed to promote reforestation. Best management practices shall be used to protect water quality and to control erosion and stormwater problems on such areas.
  - d. No tops or slash shall be left on the banks or between the banks of a perennial waterway or within the channel of an intermittent waterway. No tops or slash shall be left within 20 feet of a public street right-of-way.
  - e. It is requested but not required to provide a 20 feet minimum setback for forestry from a public street right-of-way and from any lot line of adjacent residential property.
21. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5 percent of the total lot area of the golf course.
22. **Groundwater or Spring Water Withdrawal averaging more than 100,000 gallons per day from a lot for off-site consumption.** (Note - If the water is being utilized for uses on adjacent lots or as part of a public water system, it shall not be considered off-site consumption.)
- a. The regulations of this Section 402.A.22. shall not apply to water used by a principal agricultural use within the Township or to on-site consumption.

- b. If the water will be trucked off-site, the applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated.
- c. If the water will be trucked off-site, any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.
- d. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if “Food or Beverage Manufacturing” is an allowed use under Section 306.
- e. Any zoning permit is conditioned upon receiving approval, as applicable, from the Delaware River Basin Commission.

**23. Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- a. The use shall meet the definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 7 unrelated persons in a single family detached dwelling and 4 unrelated persons in any other type of dwelling unit, except:
  - (1) if a more restrictive requirement is established by another code requirement;
  - (2) the number of bona fide paid professional staff shall not count towards such maximum; and
  - (3) as may be approved by the Zoning Hearing Board under Section 111.D.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a State or County human service agency, then this requirement shall have been deemed to be met.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
- h. Parking - See Section 601.
- i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- j. The persons living on-site shall function as a common household unit.
- k. The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- l. An off-street parking space shall be provided for the largest vehicle that serves the use.
- m. The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

**24. Heliport.**

- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- b. The Zoning Hearing Board may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.

**25. Hotel or Motel.**

- a. See definitions in Section 202, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."



26. **Junkyard.** (includes automobile salvage yard)
- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
  - b. Outdoor storage of junk and junk vehicles shall be kept at least: a) 100 feet from any residential lot line, and b) 50 feet from any other lot line and the existing right-of-way of any public street.
  - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
  - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
  - e. Burning or incineration is prohibited.
  - f. See the dust regulations of Article 5.
  - g. All batteries shall be removed from junk vehicles and properly stored in a suitable area on an impervious and properly drained surface.
  - h. Tires - see the "Outdoor Storage and Display" standards in Section 403.
  - i. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

27. **Kennel.**

- a. Minimum lot area - 5 acres.
- b. All buildings, structures, enclosures, runs or other areas where dogs will be present must be setback a minimum of 200 feet from any lot line of a property that is not in common ownership. This setback shall be increased to 250 feet from a lot line of an existing dwelling if more than 40 dogs are kept overnight on the lot.
- c. The applicant shall provide evidence that the facility will be conducted in a manner consistent with State laws and regulations regarding kennels and the keeping of dogs.
- d. A zoning permit shall be required prior to the construction or expansion of any area used for the keeping of dogs.
- e. Where existing mature trees will not be preserved, a landscaped buffer yard meeting Section 803 shall be provided surrounding the kennel, except at driveway entrances. Plantings shall have an initial height of 6 feet.
- f. Where necessary to avoid noise nuisances, the Township may require that buildings be air conditioned and/or sound-proofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- g. The use of outdoor runs shall be minimized between 9 p.m. to 7 a.m.
- h. All animal excrement and other waste shall be disposed of in such a manner as to meet or exceed regulations and/or requirements of the Pennsylvania Department of Health, the Pennsylvania Department of Environmental Protection, and any other governmental agency having jurisdiction thereover, including the Township. If it is necessary for the animal excrement and other waste to be temporarily "stored" at the site while it is awaiting removal and disposal, it must be kept in an enclosed container located not less than 200 feet from any property line, and at least 100 feet upgrade from any watercourse, drainage ditch, or other natural drainage area or body of water.

28. **Livestock and Poultry, Raising of.**

- a. Minimum lot area - 5 acres, except a minimum lot area of 25 acres shall apply for an "Intensive Raising of Livestock or Poultry" use.

- b. Except for an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other exterior lot lines.
  - c. For an Intensive Raising of Livestock or Poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from a lot in a residential district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 100 feet from all other exterior lot lines.
  - d. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
  - e. The setbacks from property lines provided in this Section 402.A. for this use shall not apply from dwellings or lots owned by: 1) the operator or owner of the livestock use, or 2) affected property-owners providing a written notarized letter waiving such setback.
  - f. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
  - g. Buildings used for the keeping of livestock or poultry shall:
    - (1) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir, and
    - (2) not be located within 100 feet of an active public water supply drinking well or an active intake for a public water supply.
  - h. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
  - i. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
    - (1) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
    - (2) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant shall provide a written comparison of proposed methods of controlling insect and odor nuisances and avoiding water pollution to applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications. The applicant may meet this requirement by providing a cross-reference to certain sections of such manuals or other written industry standards to describe the methods that will be used.
    - (3) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
    - (4) An area shall be provided for trucks to turnaround on the property that avoids the need to back out onto a public road.
29. **Manufactured Homes and Manufactured Home Parks.** See "Mobile/Manufactured Home" in this Section.
30. **Membership Club.**
- a. See definition in Article 2.
  - b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
  - c. This use shall not include an "After Hours Club."

31. **Mineral Extraction**

- a. If a Mineral Extraction use involves mining activities over more than one acre of land in any calendar year, then the following additional requirements shall be met:
  - (1) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of surface excavation.
    - (a) The Board of Supervisors may require this yard to include an earth berm with a minimum average height of 6 feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence. New trees shall not be required where preserved trees will serve the same purpose.
    - (b) The following minimum setbacks shall apply for the surface excavated area of a mineral extraction use and mechanical processing facilities from property that is not owned by the owner or operator of the mineral extraction use, unless a stricter requirement is established or a waiver is granted under State regulations:
      - (i) 300 feet from the lot line of an occupied dwelling, unless the owner of such dwelling provides a written waiver of the setback.
    - (c) Fencing. The Board of Supervisors may require secure fencing in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
    - (d) A plan shall be submitted showing sequential phases of mining activities on the land.
    - (e) A plan shall be submitted showing how dust will be controlled.
- b. See “Gas and Oil Well” which is regulated separately under Section 403.

32. **Mobile/Manufactured Home**. Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have hitch and tires removed.
- d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation.
- e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable material.

33. **Mobile/Manufactured Home Park**.

- a. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
- b. The minimum tract area shall be 3 contiguous acres, unless a larger tract area is required by Section 306 in a particular zoning district. This minimum tract area shall be under single ownership.
- c. Density - The maximum average density of the tract shall be 5 dwelling units per acre.
  - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.

- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 20 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception use approval. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. The following setbacks shall apply:
  - (1) A dwelling, including any attached accessory building, shall be setback a minimum of 20 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings, accessory buildings and decks may be 15 feet from the walls of another dwelling.
  - (2) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 15 feet.
  - (3) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
  - (4) A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
- f. Each home shall comply with the requirements for "Mobile/Manufactured Homes" stated in the preceding sub-section.
- g. Streets. Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
- h. Utilities. All units within the mobile home park shall be connected to a central water and a central sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements. The applicant shall prove that adequate provisions are made for solid waste disposal.
- i. Other Requirements. A manufactured/mobile home park shall comply with all of the same requirements that apply to a subdivision or land development of site-built single family detached dwellings, except for requirements that are specifically modified by this Section 402.A.

34. **Motor Vehicle Race Track.**

- a. All areas used for the racing of motor vehicles and related testing and maintenance shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary. Any improved track used for motorcycles, all terrain vehicles or motor vehicles for commercial purposes shall be setback a minimum of 400 feet from the lot line of an existing dwelling or a residential district boundary.
- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling or a residential district boundary.
- c. The applicant shall prove that the standards of Article 5 will be met, including lighting and dust.
- d. Minimum lot area - 30 acres.
- e. All vehicles shall use noise muffling devices with an effectiveness similar to what is achieved with new on-road vehicles.
- f. For a special exception use, the Zoning Hearing Board may require the installation of sound barriers or berms and/or the planting of additional trees.

35. **Nursing Home.**

- a. Licensing - See definition in Article 2.
- b. A minimum of 15 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

36. **Outdoor Storage and Display.** The provisions listed for this use under Section 403 shall apply.

37. **Picnic Grove, Commercial.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. See lighting standards in Article 5.
- c. Minimum lot area - 3 acres.

**38. Place of Worship.**

- a. Minimum lot area- 1.5 acres in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Article 3 for that district.
- b. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a “family.” No other residential use shall be allowed.

**39. Planned Residential Development.** Section 312 shall apply.

**40. Recreation, Outdoor.**

- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 20 feet from any residential lot line.
- b. This term shall not include “Publicly-Owned Recreation,” a “Golf Course,” or a “Motor Vehicle Race Track.”
- c. In a residential district, the minimum lot area shall be 2.5 acres, unless a more restrictive lot area is established by another section of this Ordinance.
- d. Maximum impervious coverage in any residential district - 25 percent.
- e. Maximum building coverage in any residential district - 15 percent.
- h. A site plan meeting the requirements of Article 1 shall be submitted to the Zoning Officer.
- i. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803 shall be required.
- j. Any Restaurant open to the public, Tavern, Firearms Target Range, Camp, Campground, or Commercial Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

**41. Recycling Collection Center.**

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a County- or municipally-owned use, subject to the limitations of this section.
- d. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum, and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- e. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning, and closely similar work. No burning or landfilling shall occur. No

- mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- h. The use shall not include the collection or processing of motor vehicles or items of similar size.
42. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.
43. **Restaurant.**
- a. Screening of Dumpster and Waste Containers - See Section 806.
  - b. See "Drive-Through" service in Section 403.
  - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
44. **School, Public or Private, Primary or Secondary**
- a. Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
  - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 25 feet of a residential lot line.
  - c. The use shall not include a dormitory unless specifically permitted in the District.
45. **Self-Storage Development.**
- a. Radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
  - b. Nothing shall be stored in a manner that would obstruct interior traffic aisles that are necessary to provide customer and emergency access to each unit.
  - c. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
  - d. Any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
46. **Solid Waste Transfer Facility, Solid Waste Landfill, or Solid Waste-to-Energy Facility.**
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.
  - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing occupied dwelling that the applicant does not have an agreement to purchase. Any solid waste landfill disposal area shall be setback a minimum of 1,320 feet from any public water supply.
  - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
  - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
  - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
  - f. Open dumps and open burning of refuse are prohibited.
  - g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets/roads in the Township.
  - h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.

- i. A chainlink or other approved fence with a minimum height of 6 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. A buffer yard meeting Section 803 with plantings with an initial height of 6 feet shall be required between the use and any adjacent public street or dwelling. The Board may also require the installation of earth berms and/or shade trees as needed to reduce the visibility of landfill operations from public streets or dwellings.
  - j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
  - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
  - l. Attendant. An attendant shall be present during all periods of operation or dumping.
  - m. Gates. Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
  - n. Emergency Access. The operator of the use 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.
  - o. Under authority granted under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
  - p. Tires. See "Outdoor Storage and Display" in Section 403.
  - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
  - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
  - s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
  - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
  - u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
  - v. A professional traffic study shall be submitted with the zoning application. The traffic study shall meet the requirements of the Subdivision and Land Development Ordinance and shall identify intended truck routes into and out of the facility to reach expressways.
  - w. The facility shall have restrooms for employees and a water supply available for employee safety.
47. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
  - b. Any manure storage areas shall be setback a minimum of 100 feet from any lot line of an adjacent dwelling.
  - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek.

48. **Swimming Pool, Non-Household.**

- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
- b. Minimum lot area- 20,000 square feet.
- c. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
- d. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

49. **Target Range.**

- a. These regulations apply to firearms target ranges, other than a completely indoor and soundproofed target range. These provisions shall not apply to an areas used for occasional target shooting by residents or owners of a lot and up to 3 occasional invited guests and which has a suitable barrier behind the target shooting area.
- b. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
- c. The design of the target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Board of Supervisors may consider such guidelines to be the generally accepted standard for the safety of these facilities.
- d. A firearms target range and any firing stations shall be located a minimum of 450 feet from any lot line of a dwelling on another lot and 100 feet from any other lot line. Clay pigeon shooting shall be directed away from homes and streets.
- e. A firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
- f. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
- g. A target range shall not be used after sunset or before sunrise. Maximum hours and days of operation may be established as a condition of the zoning approval.
- h. Minimum lot area - 10 acres.
- i. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

50. **Townhouses and Apartments.**

- a. Maximum length and width of an attached grouping of townhouses - 160 feet. Maximum number of Apartments that shall be within a building - 12, except no maximum shall apply in a building in which all units are permanently age restricted to at least one resident age 55 and older.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- f. Common Open Space. On a tract of more than one acre, a minimum of 15 percent of the total lot area of the development involving Townhouses and Apartments and their accessory uses



shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. .

- (1) If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.
- (2) A recreation building or pool available to all residents of the development may count towards the open space requirement. Areas with a width of less than 50 feet shall not count towards this requirement. Common open space under this section may be used to meet any recreation requirements under the Subdivision Ordinance, if the land would meet both ordinances.

51. **Treatment Center.**

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional conditional use approval.
- c. The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety.
- d. The Board of Supervisors may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.
- f. Parking - See Section 601.

52. **Trucking Company Terminal.**

- a. As a condition of special exception use approval, the Zoning Hearing Board may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

53. **Veterinarian Office.** (includes Animal Hospital)

- a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling on another lot, unless the building is completely soundproofed and air conditioned.
- b. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

54. **Wind turbines, Other than is Allowed for Wind Turbine as an Accessory Use by Section 403 (This section regulates, among other items, a wind turbine as a principal use or in most cases 2 or more wind turbines per lot).**

- a. The wind turbine shall be setback from the nearest existing occupied dwelling on another lot a distance not less than 3 times the maximum height to the top of the maximum sweep of the blade of the turbine, unless a written waiver is provided by the owner of such building. The turbine height shall be the measured from the ground level. The setback shall be measured from the base of the turbine to the nearest part of such building. This setback shall only apply to buildings that existed prior to the application for a zoning permit.
  - (1) In situations other than “a.”, all wind turbines shall be set back from each lot line or street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as

- measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.
- b. No part of a wind turbine shall be located within or above the front, side or rear setback that would apply to a principal building.
  - c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity. Driveways shall be removed and disturbed earth shall be re-seeded, unless the applicant requests in writing that a particular feature be maintained for a new use.
  - d. The minimum height of the lowest position of the wind rotor shall be 25 feet above the ground. Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
  - e. The turbine and its installation shall meet applicable regulations of the Uniform Construction Code and the National Electrical Code. The turbine shall be certified by Underwriters Laboratory or an equivalent organization. Any new electrical wiring shall be underground to the maximum extended feasible.
  - f. The design of the Wind Energy 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, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
  - g. Wind turbines shall be equipped with a redundant braking system to address high winds. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
  - h. The color of the turbine should be non-obtrusive, such as white, off-white or gray.
  - i. Wind turbines shall meet any lighting requirements of the Federal Aviation Administration. Any other exterior lighting visible from beyond the property, other than security lighting, shall be described on the plans and be subject to approval by the Township.
  - j. Wind turbines shall not display any advertising, except for a single sign of up to 5 square feet to identify the manufacturer. Safety warning signs may also be placed.
  - k. At least one warning sign shall be placed near any electrical transformer or substation.
  - l. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, flags, reflective tape or similar method.
  - m. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone or similar signals and shall mitigate any harm caused by the Wind Turbine.
  - n. Accessory electrical facilities are allowed, such as a transformer or mechanical buildings, provided they meet principal building setbacks.
  - o. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared or preserved.
  - p. The audible sound from the wind turbine(s) shall not exceed 45 A weighted decibels, as measured at the exterior of a occupied dwelling on another lot, unless a written waiver is provided by the owner of such building.
  - q. “Land development” approval shall not be needed for the installation of one wind turbine.

**403. ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right or special exception are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.
- 403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
1. **Antenna, Standard.** (includes amateur radio antenna)
    - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
    - b. Anchoring. An antenna shall be properly anchored to resist high winds.
    - c. Setback: If an antenna has a height more than 20 feet above the roof of the principal building, the antenna shall be setback a minimum of 1.1 times the height of the antenna above the ground level from any lot line of a lot occupied by a dwelling.
  2. **Bus Shelter.**
    - a. Bus shelters shall only be allowed at a stop of a regularly scheduled bus route or a school bus stop.
    - b. The location of any bus shelter shall be subject to approval by the Township.
    - c. If the bus shelter will be located within the right-of-way, approval shall be obtained from the Board of Supervisors or PennDOT, as applicable. If the bus shelter will be located outside of the right-of-way, the owner of the land shall provide written permission.
    - d. The applicant shall describe the materials that will be used to construct the bus shelter, which shall be durable and require limited maintenance.
    - e. A bus shelter may include two off-premises sign images, each with a maximum sign area of 35 square feet. The message on each sign shall not change more than once per day. The sign shall not be electronic or be illuminated. Signs may also describe any public transit service.
    - f. A written agreement shall establish the party that will be responsible for maintaining the shelter.
    - g. A bus shelter shall not obstruct a clear sight triangle.
    - h. The Zoning Officer shall require the removal of a bus shelter within 60 days if the Zoning Officer becomes aware that the shelter is not being properly maintained or if it is no longer served by a public or school bus route.
  3. **Day Care, Child - as accessory to a Dwelling.**
    - a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
    - b. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic, fire safety and handicapped access improvements.
    - c. The use shall be actively operated by a permanent resident of the dwelling.

- d. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
  - e. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
  - f. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
4. **Drive-through facilities.**
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
  - b. On-lot traffic circulation and parking areas shall be clearly marked.
  - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
5. **Farm-Related Business.** This use may be approved on an lawful existing lot with a minimum lot area of 20 acres that include a principal agricultural use.
- a. A Farm-Related Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
  - b. A Farm-Related Business shall be conducted by a resident or owner of the property, his/her "relatives," and a maximum total of 4 other employees working on-site at one time, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
  - c. To the maximum extent feasible, a Farm-Related Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Related Business. Any new building constructed for a Farm-Related Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Related Business shall not exceed 6,000 square feet. This 6,000 square foot limit shall only apply to buildings constructed after the effective date of this Ordinance. A Farm-Related Business may also use buildings of any size that existed prior to the effective date of this Ordinance. The total area used by the Farm-Related Business, including parking, shall not exceed 3 acres.
  - d. The Farm-Related Business shall not routinely require the overnight parking of more than 2 tractor-trailer trucks, other than trucks serving the agricultural use.
  - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
  - f. The Business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
  - g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week (except customary retail sales as part of a barber/beauty shop). This provision shall not restrict permitted sale of agricultural products.
  - h. Only one sign shall advertise a Farm-Related Business, which shall have a maximum sign area of 10 square feet on each of two sides, and which shall not be internally illuminated.
  - i. The following activities, and activities that the applicant proves to the Zoning Hearing Board are closely similar, shall be permitted as Farm-Related Businesses:
    - (1) farm equipment or farm vehicle repair;

- (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting;
  - (3) welding and custom machining of parts;
  - (4) sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
  - (5) barber/beauty shops;
  - (6) construction tradesperson's headquarters;
  - (7) music, hobby, trade or art instruction for up to 10 persons at a time;
  - (8) small engine repair;
  - (9) custom woodworking or wood refinishing;
  - (10) custom blacksmithing or sharpening services;
  - (11) rental storage of household items, vehicles, boats and building materials;
  - (12) boarding of animals, not including a kennel or a stable (which are separate uses);
  - (13) custom butchering, not including a commercial slaughterhouse or stockyard;
  - (14) processing and storage of agricultural products;
  - (15) sawmill; or
  - (16) commercial farm tourism and special events, such as farm tours and Halloween activities. See also Stable, Non-Household and Retail Sales of Agricultural Products, which are treated as separate uses.
- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
  - k. If an activity would be permitted as either a Farm-Related Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
  - l. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
  - m. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
  - n. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
  - o. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
  - p. The lot shall have provisions for trucks to turn around on the site without backing onto a public street. When special exception approval is required, the Zoning Hearing Board shall consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.

**6. Fences and Walls.**

- a. Fences and walls are permitted by right in all Districts. A zoning permit is required for fences and walls that exceed 3 feet in total height. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures, and is not required to be setback from a lot line.
- b. No fence, wall or hedge over 3 feet in height shall obstruct sight distance at an intersection, as required by Section 803.C. and/or the Subdivision and Land Development Ordinance.
- c. Fences -
  - (1) On a corner lot, a fence or wall shall have a 4 feet maximum height along each yard abutting a street. However, a fence that only extends behind the rear of a dwelling may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.
  - (2) Height.
    - (a) Front Yard. Any fence located in the required minimum front yard of a lot in a residential district shall not exceed 4 feet in height.

- (b) A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 10 feet shall be allowed around a tennis court.
- (c) The Zoning Officer may approve a taller height where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard, such as around an electric transformer or to contain animals.
- (4) Setbacks. No fence shall be built within an existing street right-of-way. A fence shall be setback a minimum of 5 feet from the street right-of-way along the front lot line. A fence shall be located on the inside of any buffer plantings required by Section 803.
- (5) Fence materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums, or barrels.
- d. Walls -
  - (1) Retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height, it shall be setback a minimum of 10 feet from a lot line of an existing dwelling.
  - (2) Other than necessary retaining walls, no wall of greater than 4 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.
  - (3) Walls that are attached to a building shall be regulated as a part of that building.

7. **Gas and Oil Wells as a Principal or Accessory Use.**

- a. Gas and Oil Wells shall only be allowed where provided under Section 306.
- b. A minimum setback of 300 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any lot line, unless a written waiver is provided to the Zoning Officer by the principal owner of record of the adjacent lot.
- c. A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.
- d. A minimum 4 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Well.
- e. If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks on the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures.
- f. A Zoning Permit shall be required for a Gas or Oil Well. As part of the permit application, the applicant shall provide a written description of the impacts upon roads, with an emphasis upon weight of vehicles that will be used. See bonding requirements in the *Vehicle Code or other applicable State law*.

8. **Home Occupations.**

- a. All home occupations shall meet the following requirements:
  - (1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of two persons working on-site or operating a vehicle from the site at any one time who does not reside within the dwelling.

- (2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
  - (3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
  - (4) One off-street parking space shall be required per non-resident employee.
  - (5) The use shall not regularly require delivery by tractor-trailer trucks.
  - (6) Three or more trucks that each are of 10,000 pounds or greater of gross vehicle weight shall not be parked overnight on a residential lot as part of a home occupation.
  - (7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
  - (8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7 a.m.
  - (9) Any tutoring or instruction shall be limited to a maximum of 4 students at a time.
  - (10) A barber or beauty shop shall not include more than one non-resident employee.
  - (11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
  - (12) One Home Occupation sign shall be allowed, which shall have a maximum sign area of 2 square feet and shall not be internally illuminated.
  - (13) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
  - (14) The use may include sales using telephone, mail order, or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
  - (15) In any case, a use that meets the definition of a "No Impact Home Based Business" in the Pennsylvania Municipalities Planning Code shall be permitted by right.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Minor Home Occupation:"
- (1) The use shall not routinely involve daily visits to the home occupation by customers.
  - (2) The use shall only involve the following activities:
    - (a) work routinely conducted within an office,
    - (b) custom sewing and fabric and basket crafts,
    - (c) cooking and baking for off-site sales and use,
    - (d) creation of visual arts (such as painting or wood carving),
    - (e) repairs to and assembly of computers and computer peripherals, and
    - (f) a construction tradesperson, provided that no non-resident employees routinely operate from the lot.
9. **Outdoor Storage and Display.** Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk, or other area intended or designed for pedestrian use or required parking area.
  - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
  - c. Screening. See Section 803.
  - d. Tire Storage.
    - (1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 20 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard or a retail tire sales business.

- (2) The outdoor storage of more than 100 used tires shall be limited to the I-1 District in a Township-approved junkyard.
- (3) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks *and* from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
- (4) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

10. **Pets, Keeping of.**

- a. This is a permitted by right accessory use in all districts.
- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
- c. If 5 or more total dogs over 6 months in age are kept by all residents of a dwelling, it shall be considered to be a "kennel." If 5 or more total dogs are kept on a non-residential lot, it shall be considered to be a "kennel". If more than 10 cats are kept on any lot, it shall be considered to be a "kennel".
- d. Pigeons, chickens, roosters, ducks, geese and/or similar fowl shall not be kept on a lot of less than one acre. However, if more than 20 of such animals are kept on the lot, then the requirements shall be met for "Raising of Livestock or Poultry."
- e. Keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
- f. Horses: See Stable, Household in this section.
- g. See the definition of "Pets" in Section 202. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
  - (1) The following and similar animals shall not be allowed to be kept inside or outside of a dwelling: bears, tigers, lions, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, and constrictor snakes that could be dangerous to humans. See requirements for an "exotic wildlife" permit in the Pennsylvania Game & Wildlife Code.

11. **Residential Accessory Structure or Use.** (see definition in Article 2)

- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
- b. Height. See Section 307.B.
- c. A maximum of two motor vehicles that do not display a current valid state license and registration and safety inspection stickers *may* be kept outdoors on a lot in a residential district of less than 4 acres. This requirement shall not apply to vehicles that have a registration sticker and inspection sticker that expired less than 90 days previously.
- d. A truck with a gross vehicle weight of greater than 14,000 pounds or a tractor-trailer shall not be kept overnight outdoors on a residential lot in a residential district, except that one may be allowed if it is needed for a resident to drive from home to work and if it is kept a minimum of 75 feet from an existing dwelling on another lot.

12. **Retail Sales of Agricultural Products as an Accessory Use.**



- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
  - b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 25 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
  - c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
  - d. No stand shall be located closer than: 50 feet from a lot line of *lot occupied by a dwelling* on another lot, or within 25 feet from a street right-of-way, unless the sales occur within a building that existed prior to the adoption of this Ordinance.
  - e. A maximum total of 5,000 square feet of building floor area shall be used for such use.
  - f. The retail sales shall be located on land owned by the operator of the market or upon a lot that is farmed.
13. **Stable, Household.** Minimum lot area - 2 acres for first horse or similar animal, plus one acre for each horse or similar animal in excess of one. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any "residential lot line."
14. **Swimming Pool, Household.** (referred hereafter as "pool") -
- a. See the requirements of the Construction Code regarding fencing of pools.
  - b. A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines.
15. **Unit for Care of Relative.**
- a. The use shall meet the definition in Section 202.
  - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
  - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconvered to a garage or permitted home occupation area.
  - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
  - e. The owner of the property shall be required to renew the permit for the use once every 24 months. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
  - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, or in a detached dwelling if it meets the requirements for principal building setbacks. If a detached modular or manufactured dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it has a maximum building floor area of 900 square feet.
  - g. No additional parking spaces are required.
  - h. Any on-lot septic system shall be re-certified if the sewage flows will increase.
16. **Wind turbines, Maximum of One Per Lot, as an accessory use.**

- a. All Wind turbines shall be set back from *each lot line and street right-of-way line* a minimum distance equal to 1.1 times the total height from the ground level to the top of the maximum sweep of the turbine blade, as measured from the center of the Wind turbine base. Such setback shall not apply if a written signed and notarized waiver is provided to the Zoning Officer by the principal owner of adjacent lot. Two or more abutting lot owners may use the setback waiver process to share use of a wind turbine.
- b. No part of a Wind Turbine shall be located within or above the front, rear or side setback that would apply to a principal building.
- c. The minimum height of the lowest position of the wind rotor shall be 25 feet above the ground.
- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level.
- e. The Wind Turbine and its installation shall comply with the Uniform Construction Code and the Electrical Code, and be certified by Underwriters Laboratory or an equivalent entity.
- f. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape, flags or similar method.
- g. The turbine shall include automatic overspeed controls to address high speed winds, such as mechanical brakes.
- h. The maximum total height above the ground level to the tip of the extended blade shall be stated on the application.
- i. Any new electrical wiring shall be underground to the maximum extended feasible.
- j. The color of the turbine should be non-obtrusive, such as white, off-white or gray.
- k. Wind turbines shall not display any advertising, except for a single sign of up to 2 square feet to identify the manufacturer. Safety warning signs may also be placed. At least one warning sign shall be placed near any electrical transformer or substation.
- l. Any mechanical building shall be limited to a maximum of 150 square feet of building floor area and a maximum height of 15 feet and shall meet required yards.
- m. “Land development” approval shall not be needed for the installation of one wind turbine.
- n. A wind turbine may be placed on common open space or other land owned by a homeowner association. A maximum of 2 wind turbines shall be allowed in such case per development. If the wind turbine does not meet the setback required by subsection “a.” above, then the waiver process provided by subsection “a.” may be used.
- o. The audible sound from the wind turbine shall not exceed 45 A weighted decibels, as measured at the exterior of a occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- p. The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity. Disturbed earth shall be reseeded.
- q. If a wind turbine is placed on the roof of a building, the applicant shall obtain approval from the Township Building Inspector.

**ARTICLE 5**  
**ENVIRONMENTALLY SENSITIVE AREAS**

**501. EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

- 501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- 501.B. Except for agricultural activities, any earth disturbance over one acre of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the County Conservation District.
- 501.C. See State erosion control regulations (Note: as of 2011 in 25 PA. Code Ordinance 102). See also requirements for NPDES permits under Federal and State regulations.

**502. NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

- 502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
  - 1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - 2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - 3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
  - 4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
- 502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Ordinance, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

**503. WETLANDS AND STEEP SLOPES.** See Sections 308 and 310.

**504. FP FLOODPLAIN DISTRICT (Flood-prone areas).** See the Township Floodplain Ordinance.

**505. CONTROL OF LIGHT AND GLARE.** This section 505 shall only regulate exterior lighting that spills across lot lines or onto public streets.

- 505.A. Street Lighting Exempted. This Section 505 shall not apply to: a) street lighting that is owned, financed or maintained by the Township or the State, or b) an individual porch light of less than 6 feet total height in a front yard (not including a spot light).
- 505.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- 505.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 505.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.

- 505.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 505.F. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- 505.G. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of subsection F. and to prevent glare onto streets. The Township may require that light fixtures for non-residential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- 505.H. Lighting of Non-Horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward. However, lighting shall be allowed of the United States flag from dusk to dawn, provided the light source shall have a beam spread no greater than necessary to illuminate the flag.
- 505.I. Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity.

**ARTICLE 6  
OFF-STREET PARKING AND LOADING**

**601. REQUIRED NUMBER OF OFF-STREET PARKING SPACES.**

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - MINIMUM OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<b>A. RESIDENTIAL USES:</b> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. As part of a new subdivision or land development, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Home Occupation	See Section 403	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<b>B. INSTITUTIONAL USES:</b> 1. Place of Worship or Church	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	1.1 Employees
2. Hospital	1 per 3 in-patient or outpatient treatment beds	1.1 Employees
3. Nursing Home	1 per 6 beds	1.1 Employees

*Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011*

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Assisted Living Facility and/or Retirement Community	1 per 5 beds, plus 1 for each individual dwelling unit	1.1 Employees
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 3 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 20 vehicles, boats, RVs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley and/or Pool Hall	1 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting, vacuuming and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
8. Golf, Miniature	1 per hole	1.1 Employees
9. Golf Course	5 per golf hole	200 sq.ft. of clubhouse floor area
10. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
11. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
12. Laundromat	1 per 3 washing machines	On-site Employee
13. Offices or clinic, Medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
14. Offices, other than above	1 per 300 sq. ft. of total floor area	
15. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
16. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
17. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
18. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats, unless the restaurant is part of a shopping center..	1.1 Employees
19. Retail Sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
20. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 800 sq.ft. of floor area of rooms accessible to customers	
21. Shopping Center involving 5 or more retail and/or restaurant establishments on a lot	1 per 200 square feet of leaseable floor area	
22. Tavern or Nightclub or After-hours Club	1 per 30 sq. ft. of total floor area	1.1 Employees
23. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
24. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
25. Veterinarian Office	4 per veterinarian	1.1 Employee
<u>E. INDUSTRIAL USES:</u>  All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance  1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 space (such as for visitors) for every 20,000 sq.ft. of building floor area
Self-Storage Development	1 per 20 storage units	1.1 Employee



**602. GENERAL REGULATIONS FOR OFF-STREET PARKING.**

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-through facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required if the use would be newly developed, then that deficit of parking shall be grandfathered for reuses of an existing building. For example, an existing store might include 3 parking spaces and would have been required to provide 7 spaces if it was newly developed. Therefore, there is an existing nonconforming deficit of 4 spaces. Then, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 spaces minus the pre-existing deficit of 4 equals 6).
2. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. 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 exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.
  - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Alternative Parking Materials as a Special Exception.

1. Purposes. To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify allowing materials other than asphalt, concrete or paving block.
2. As a special exception, the Zoning Hearing Board may authorize all or a portion of off-street parking areas to be maintained in stone or other approved surfaces if the applicant proves to the satisfaction of the Zoning Hearing Board that such materials would be sufficient.
  - a. The applicant shall provide evidence justifying the proposed materials, including describing any seasonal or occasional use.

603. **DESIGN STANDARDS FOR OFF-STREET PARKING.**

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for: a) a driveway serving one dwelling or b) a driveway that enters onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 20 feet, except the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking and except where a larger space is required by Section 603.C.
2. For handicapped spaces, see Section 603.F. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width - One Way Traffic (feet)	Aisle Width - Two Way Traffic (feet)
90 degrees	10	20	20	24
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum

603.D. Accessways and Driveways.

1. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway\*      One-Way Use\*      Two-Way Use\*

Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

\* This standard may be revised where the State Department of Transportation requires a different standard for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage. See the provisions of the Subdivision and Land Development Ordinance and Section 602.F.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Parking for Persons With Disabilities.

1. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Ordinance.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total number of spaces
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces

2. Location. Accessible parking spaces shall be located where they would result in the shortest reasonable accessible distance to an accessible building entrance. Curb cuts shall be provided as needed to provide access from the accessible spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
4. Marking. All required accessible spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Accessible parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a suitable surface that is usable with a wheelchair.
6. Van-Accessible Spaces. As of the adoption date of this Ordinance, Federal regulations require that for every six required accessible parking spaces or fraction of six such spaces, one of the spaces shall meet the Federal requirements for a van parking space.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 15 feet.
  - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
  - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
  - c. Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.

- d. The following shall be prohibited within the planting strip:
    - 1. paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
    - 2. fences, and
    - 3. parking, storage or display of vehicles or items for sale or rent.
  - e. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 803 and 804.

**604. OFF-STREET LOADING.**

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
- 604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Township Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

**605. FIRE LANES AND ACCESS.**

- 605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. See requirements of the Fire Code, as referenced in the State Construction Codes.
- 605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- 605.C. The specific locations of fire lanes and fire equipment access are subject to approval by the Township, after review by local Fire Officials.

This page is intentionally blank.

## ARTICLE 7 SIGNS

### 701. PURPOSES AND APPLICABILITY.

701.A. In addition to serving the overall purposes of this Ordinance, this Article is intended to:

1. establish reasonable and impartial regulations for signs to protect the public health, safety, general welfare, convenience and aesthetics;
2. serve the public need to be informed about products, businesses, and services that are available;
3. preserve the unique character of the Township, while promoting tourism and outdoor recreation; and
4. avoid distractions to motorists and other public safety hazards.

701.B. A sign shall only be erected, placed, constructed, painted or created if it conforms with the regulations of this Article and other requirements of this Ordinance. All other signs are prohibited.

### 702. SIGN DEFINITIONS.

702.A. The following terms shall have the following meanings:

1. Abandoned Sign. See Section 707.B.
2. Animated Sign. A sign that moves or has an optical illusion of moving, such as the movement of any illumination or the flashing or varying of light intensity, or a sign that has changing messages, provided that the following types of sign shall not be considered Animated Signs:
  - a. a sign that simply changes messages not more once than every 10 seconds,
  - b. a time or temperature sign, or
  - c. a sign with scrolling text.
3. Area of a Sign or Sign Area. The vertical area covered by a sign. In the case of individual letters or symbols used as a sign, the sign area shall be the area enclosed by the smallest rectangle, circle or triangle (or combination thereof) needed to completely encompass all letters and symbols. For a sign that is no composed of individual letters or symbols, the sign area shall be the total area within the outer edge of the border of the sign, including any background color used to differentiate the sign from the structure to which it is attached. Supports, bracing or a decorative wall or fence shall not be considered part of the sign area if they are clearly incidental to the sign display area.
  - a. Sign area shall be measured based upon one side of a sign with two or more sides. However, if two sides of a sign are routinely readable from one location, then both sides shall be counted towards the maximum sign area.
4. Awning Sign. A sign with the message on a shelter constructed of a non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame and that extends from an exterior wall of a building.
5. Banner. A display made of a flexible material that is attached to a pole or a building at one or more edges, without an enclosing framework. A banner shall be regulated as a sign, except for flags of a level of government or a Decorative Banner.
  - a. Banner, Decorative. A banner that is purely decorative in nature and which does not include any words, logos or advertising, and which shall not be regulated as a sign.

6. Contractor or Construction Sign. A temporary sign identifying a contractor actively engaged in construction or repair on the property, or an architect, engineer, financier or material supplier participating in active construction on the property.
7. Development Sign, Temporary. A temporary sign used to identify an approved future development.
8. Directional or Incidental Sign. An informational sign that directs motorists or pedestrians to entrances or exits, directs traffic withing a lot, announces certain restrictions (such as no parking or handicapped parking) or directs persons to a convenience (such as an automatic transaction machine, restroom or a public telephone), and which do not include advertising.
9. Emergency Sign. A sign that is necessary to warn persons of an emergency or hazard, such as high voltage warnings or railroad crossings, and which does not include any advertising.
10. Flag. Free-flowing fabric containing colors, patterns or symbols and which is mounted on a pole, cable or rope. A decorative flag is one that does not include any advertising.
11. Freestanding Sign. A sign supported permanently upon the ground by poles or braces and that is not attached to any building.
12. Government Sign. A sign erected by the township, county, state or federal government for traffic direction or to designate the locations of certain facilities, tourism attractions or historic sites.
13. Height of a Sign. The distance from the base of the sign at normal grade to the highest attached component of the sign. In determining normal grade, berming or mounding under the sign to attempt to increase the total height shall not be considered.
14. Indirect Illumination. A source of lighting that is exterior to the sign, but with the lighting element not being directly visible from a street or sidewalk.
15. Internal Illumination. A sign that is lit from inside of the sign and that transmits light through a translucent material.
16. Nonconforming Sign. A sign which is not allowed by this Ordinance, but which when originally constructed and placed was legally allowed by the Township.
17. Off-Premises Sign. See "Sign, Off-Premises" in Section 202.
18. Political Sign. A temporary sign which supports candidates for elected office or urges action on a political matter or election.
19. Portable Sign. A sign that is not permanently attached to the ground or a permanent structure. This includes, but is not limited to, a sign designed to be transported on wheels or a trailer.
20. Real Estate Sign. A sign that advertises the availability of land or a building for sale or lease and which is not an off-premises sign.
21. Roof Sign. A sign mounted on the main roof portion of a building or on the top mounts edge of a parapet wall of a building and which is wholly or partly supported by such building.
22. Sign. See Section 202.



23. Temporary Sign. A sign that is not permanently attached to the ground, wall or a building and which is only allowed to be used for a certain period of time as provided in this Section.
24. Wall Sign. A sign attached to a building wall or painted on a building wall or that is an awning sign attached to the building wall, and which does not project more than 5 feet beyond a building wall.
25. Warning Sign. A sign that is necessary to warn persons of a danger, and which includes no advertising.
26. Window Sign. A sign attached to the inside or glued to the glass of a window or door and which is intended to be read from the exterior of the building.

703. **SIGN PROCEDURES.**

- 703.A. Permit Required. A zoning permit shall be required for every sign, except for types of signs that are exempted from permit requirements by this Article. The zoning permit shall be required before the erection, enlargement, placement or installation of signs regulated by this Ordinance. A zoning permit shall not be required for the following types of signs:
  1. Exempt signs as provided in Section 704.B.
  2. Temporary real estate or contractor/construction signs as provided in Section 704.
  3. Alterations to signs provided the alteration does not cause a sign to violate this Ordinance and provided the alteration does not increase the sign area or height of the sign or change the sign's location.
- 703.B. Permit Application. The zoning permit application requirements of Article 1 shall apply for a sign. The application shall show the locations of buildings, lot lines, streets, sidewalks and public rights-of-ways, in addition to showing the types, heights, sizes and locations of existing and proposed signs. The type of lighting of signs shall be identified. Additional information shall be required to comply with the Township Construction Code.
  1. A sign permit fee shall be paid, as established by resolution of the Board of Supervisors. Such fee is intended to cover the administrative and inspection costs of the Township.
- 703.C. After a sign requiring a permit is completed, the applicant shall provide a photograph of the sign to the Zoning Officer. The Zoning Officer shall then conduct any final inspection and note the results on the permit application.
- 703.D. Violation. If the Zoning Officer determines that the completed sign does not comply with this Ordinance, the Zoning Officer shall require that corrections be made. The Zoning Officer may revoke a permit if this Article is violated or if there was misrepresentation of any material facts in the application or the plans submitted to the Township. A sign permit may be revoked by the Zoning Officer if a sign is altered or moved in a manner that does not conform to this Article, or if the sign is not properly maintained.
- 703.E. Expiration. If the work authorized under a sign permit is not completed within 6 months after the date of issuance of the permit, the permit shall become null and void, unless the deadline is extended in writing by the Zoning Officer for an additional 6 months.
- 703.F. Removal. See Section 707.
- 703.G. Inspections. The Township may conduct periodic inspections to determine compliance of signs with the requirements of this Ordinance.

**704. GENERAL SIGN REQUIREMENTS.**

704.A. Prohibited Signs. The following signs are expressly prohibited throughout the Township:

1. Signs placed on a public sidewalk or curb, except as may specifically be allowed in Section 705.
2. An inflatable object of more than 50 cubic feet that is attached to the ground or a structure.
3. Signs which flash, revolve, rotate, swing or otherwise move, but this provision shall not restrict flashing holiday lights that are not used for advertising purposes.
4. Animated signs (see definition in Section 702).
5. Portable signs, except as may be specifically permitted by Section 705.
6. Signs that project into a public right-of-way.
7. Signs totaling more than 5 square feet per side on a vehicle or trailer that is parked for 30 days or more in one spot in a location that is readable from a public street.
8. Signs on utility poles, rocks or trees, except for: signs placed by the owner of the utility pole and for no trespassing/no hunting signs.
9. Signs which imitate, interfere with or obstruct the view of traffic control signals and signs.
10. Signs which emit sound, odor or visible matter, such as smoke.
11. Signs attached to a support outside of the permitted sign area.
12. Mirrors as part of a sign.
13. Types of roof signs that are prohibited by Section 704.E.
14. Signs that are not listed as specifically as allowed.

704.B. Exempt Signs. The following signs shall not be required to have zoning permits provided such signs comply with the following restrictions, and provided such sign does not exceed a maximum height of 8 feet and is not illuminated:

1. Signs for established civic non-profit organizations or places of worship to direct persons to their location or meeting place, with a maximum of 2 signs per organization or place of worship, and with each sign having a maximum sign area of 3 square feet.
2. Signs that cannot be read from any street and from any lot line. In such cases, such sign shall not be required to meet the other requirements of this Article.
3. Directional or Incidental signs (see Section 702.A.8) with a maximum sign area of 4 square feet per sign. A maximum of 2 directional sign shall be allowed at each vehicle entrance, which shall not exceed 5 feet in height. Also see Section 705.D.
4. An individual sign of less than 120 square inches of sign area.
5. Government or Emergency signs or signs stating speed limits or providing warning of a speed bump.
6. Flags of a level of government. In addition, one flag with a maximum sign area of 24 square feet may be used to identify a business or institution or to note that a business is "Open."
7. One identification sign per dwelling or business, each with a maximum sign area of 1.5 square feet, to identify the occupant and/or address.
8. Signs restricting trespassing, hunting, fishing and similar activities, with a maximum sign area per sign of 4 square feet.
9. Signs erected around athletic fields that are sponsored by non-profit youth sports organizations and that are primarily intended to be readable to spectators and not motorists on public streets, and with no sign exceeding 32 square feet.
10. Religious symbols that do not include any advertising.
11. On-premises signs that are an integral part of a commercial vending machine, provided the vending machine is allowed.

704.C. Maintenance. All signs shall be kept in good repair. A sign that is a hazard to public health and safety or involves loose or dangling materials or peeling paint or major cracks shall be repaired or removed. See Section 707.

- 704.D. Lighting. Lighting shall be located, shielded, directed and screened to avoid the lighting element from being directly visible to motorists or pedestrians and to prevent glare to motorists and persons on other properties. A sign shall not be illuminated in such a manner that it exceeds the lighting spillover requirements of Article 5.
1. A business sign in a residential district shall not be illuminated between the hours of 10 pm and 6 am during hours when the business is not open for customers.
- 704.E. Roof Signs. Roof signs that are attached to a roof are a type of wall sign and shall meet the requirements of a wall sign, plus the additional requirements of this Section.
1. A Roof Sign shall not exceed the maximum building height for the zoning district or the highest point of the highest roof of the building, whichever is more restrictive.
- 704.F. Window Signs. A business may include temporary window signs, which are not regulated.
- 704.G. Business Banners. A lawful principal business use in a commercial district shall be allowed to use one banner sign of up to 32 square feet, in addition to other allowed sign area. If a lot includes multiple business establishments, a maximum total of one banner shall be allowed per establishment up to a maximum of 5 banners per lot. A banner shall not obstruct minimum sight distances. In addition, banners meeting the requirements for wall sign area shall also be allowed.
1. Purely “decorative banners” and “flags” without a commercial message are not regulated by this Section.
  2. In addition, each principal business shall be allowed an 8 square foot flag, which may include a commercial message such as the word “Open”.
- 704.H. Temporary Development Sign. One temporary development sign shall be allowed along each exterior street to advertise a proposed or on-going new development. Each sign shall not exceed 16 square feet in sign area and 8 feet in total height. Such sign shall only be allowed for a non-residential development of more than 3,000 square feet of building floor area or for a development of 6 or more new dwelling units.
1. The sign shall not be placed until a preliminary subdivision or land development application or a zoning or building application has been submitted. The sign shall be removed after the completion of construction or the sale of the last new dwelling unit, or after the temporary sign is replaced with a permanent sign.
- 704.I. Special Event Sign. A temporary sign may advertise a special event by an established non-profit civic, emergency service, educational or religious organization. Such sign shall be placed a maximum of 30 days before the event begins and be removed within 3 days after the event is ended. Such sign shall be placed a maximum total of 60 days per calendar year. A maximum of 2 signs shall be allowed per special event, with a maximum sign area of 32 square feet and a maximum height of 8 feet of total height.
1. A special event sign for a non-commercial or non-profit special event may also be placed over a public road if permission is granted in advance by the Township. The Township may require the payment of a fee and/or a \$500 deposit and may establish conditions upon the approval. Such sign shall have a maximum sign area of 80 square feet and shall be securely attached so as to maintain a minimum clearance of 20 feet over the roadway. Such sign shall be placed a maximum of 20 days.

704.J. Political Signs.

1. Temporary political signs shall be prohibited on public property, rights-of-ways of public streets, utility poles and trees. Political signs shall be prohibited on private property if the owner has not granted permission for the sign. A person posting multiple signs shall maintain a list of the locations where the signs were posted.
2. A political sign may also be used to express an opinion on a political matter or issue.
3. Political signs shall be removed a maximum of 7 days after an election if they pertain to an election. In case of doubt, a candidate shall be responsible to remove signs that advertise his / her candidacy.
4. In a residential district, each political sign shall have a maximum total height of 5 feet and a maximum sign area per sign of 6 square feet per side. In any other district, each political sign shall have a maximum total height of 10 feet and a maximum sign area of 16 square feet per side. A maximum of two signs shall be allowed per candidate per lot per street frontage. Any sign not meeting these requirements shall meet the regulations for an off-premises sign (such as a billboard).

704.K. Real Estate Signs. A maximum of one temporary real estate sign shall be allowed per lot for each street that is adjacent to the property. The maximum sign area shall be 6 square feet for a dwelling or residential lot and 16 square feet for other property. A sign permit is not required.

1. The maximum total sign height shall be 8 feet. Such signs shall be removed within a maximum of 7 days after settlement of the purchase or lease.

704.L. Contractor/Construction Signs. A maximum of one contractor/construction sign shall be allowed for each contractor, financier, architect or engineer who is actively working on construction on the lot. Each sign shall not exceed 8 square feet, although the sign area may be combined (for example, one 18 square feet sign may be used to identify 3 contractors). A sign permit is not required.

1. Such sign shall not exceed a total height of 8 feet. Such signs shall be removed within 7 days after completion of active work on the property.

704.M. Garage Sale Signs. Up to 2 signs shall be allowed for an occasional household Garage Sale, with a maximum sign area of 4 square feet each. Such signs shall only be posted with permission of the property owner and shall be removed within 24 hours after the end of the sale. A sign permit is not required.

704.N. Open House or Auction Signs. A maximum of 3 temporary signs may be used to advertise a real estate open house or auction. Each sign shall not exceed 4 square feet. A sign permit is not required.

1. Such signs shall not exceed 6 feet in height. Such signs shall be placed a maximum of 1 day before the event and removed within 24 hours after the conclusion of the event. No such sign shall be erected for more than 4 total days.

704.O. Permanent Development Sign. If a development includes 10 or more dwelling units or 3 or more non-residential lots, a permanent development sign shall be allowed at each entrance to the development from an adjacent public street. Such sign shall have a maximum sign area of 20 square feet on each of two sides. This may include separate signs on each side of the entrance, provided each only has one sign face. Such signs shall not exceed 5 feet in total height and shall not be internally illuminated.

1. Such signs may be attached to a fence or decorative masonry wall with a maximum height of 5 feet and a maximum length of 8 feet. Such signs and any attached fence/wall shall be designed to be durable and require minimal maintenance.
- 704.P. Bus Shelter Sign. See Section 403.D.2.
- 704.Q. Camp or Campground Sign Outside of a Commercial District or Resort Complex. A maximum of one freestanding sign shall be allowed per lot along each street that the lot abuts. Such sign shall have a maximum sign area of 16 square feet and a maximum height of 8 feet.
- 704.R. Sign Height Exception. A sign may include an extension of up to 10 feet above the maximum sign height or the pre-existing height of the sign, whichever is more permissive, to allow the sign to be illuminated with solar energy.
- 704.S. A sign permit is not needed for a simple change of the message or sign face of a sign, provided the sign face does not change in size or type of lighting.
705. **SIGNS FOR PRINCIPAL NON-RESIDENTIAL USES.** In addition to signs allowed by other portions of this Article 7, the following signs shall be allowed for a principal non-residential use. These provisions in Section 705 shall not apply to a day care center, camp or campground that is not within a commercial district or a resort complex:
- 705.A. Building Wall Signs. The maximum total area of all wall signs attached to one side of a building shall not exceed 10 percent of the total vertical area of the building wall and roof to which the signs are attached. Such building wall area shall include windows and doors. Building wall signs that are attached to the roof shall also meet the requirements for "roof signs" in Section 704.
1. Wall signs shall not be placed on a side of a building that directly faces a residential zoning district that is not separated by a street.
  2. Temporary signs within a window are not regulated.
  3. If a building includes multiple tenants, then the 10 percent maximum sign area shall apply to the portion of the building controlled by each tenant, unless a different allocation is established by the building owner in writing, provided that the 10 percent maximum sign area applies to the entire building wall.
- 705.B. Freestanding Signs. A maximum of one freestanding sign shall be allowed per lot along each street that the lot abuts, unless stated otherwise in this section.
1. Such sign shall have a maximum sign area of: a) 32 square feet if the lot only includes 1 principal non-residential use, b) 50 square feet if the lot includes 2 to 3 principal non-residential uses, c) 70 square feet if the lot includes 4 to 10 principal non-residential uses, and d) 100 square feet if the lot includes 11 or more principal non-residential uses.
  2. The freestanding sign maximum size shall be 120 square feet for: a) an auto sales use that includes the sale of new motor vehicles by 2 or more manufacturers (with up to 3 signs totaling 120 square feet) or b) 3 or more movie theaters.
  3. If a lot includes two or more detached principal buildings that each include one or more different commercial establishments, then one additional freestanding sign with a maximum sign area of 50 square feet shall be allowed.
  4. If a lot includes gasoline sales, an additional 24 square feet of freestanding sign area shall be allowed to advertise gasoline prices.
  5. Freestanding signs allowed by this section shall have a maximum total height of 20 feet in a business district and 16 feet in a residential district. Where a sign faces onto a roadway that has a higher elevation than the ground area under the sign, the total sign height may be a maximum of 20 feet above the elevation of such road, in a commercial or industrial district. Such 20 feet

height shall be increased to 30 feet for a sign of 100 square feet or larger. Such sign shall be set back a minimum of 5 feet from the street right-of-way, except no setback shall apply from the right-of-way of Route 903 where such right-of-way is 60 feet or more in width.

6. A freestanding sign with a sign area of greater than 10 square feet shall be setback a minimum of 100 feet from the lot line of a principal dwelling on another lot.
7. The maximum sign area for each freestanding sign may be increased by 10 square feet if the sign is not internally illuminated and if the sign is surrounded by a landscaped area with a minimum ground area of 50 square feet.
8. A principal business may also display a sandwich board sign with a maximum sign area of 6 square feet on each of 2 sides. Such sign shall only be displayed when the business is open for customers.

705.C. Off-Site Directional Sign. If a lawful principal non-residential use (other than a place of worship which are addressed by Section 704.B.) is not located on an arterial street and is not identified by PennDOT tourism destination signs, up to 3 directional signs shall be allowed to direct motorists to such use, with a maximum of 1 sign per street intersection.

1. Such signs shall each have a maximum sign area of 6 square feet. Where located on private property, the owner of the land shall provide a written signed statement agreeing to the placement of the signs.
2. The locations of such signs shall be approved by the Township.
3. The sign shall only include the name of the use, an arrow and a distance (if desired). The sign shall be attached to a secure pole.
4. The sign shall have a minimum height as necessary for safe sight distance and a maximum height of 8 feet.

705.D. Directional Signs Within a Development. Freestanding signs of up to 16 square feet each shall be allowed within a development provided such signs are not readable from a public road outside of that development. Such signs shall only be used to direct motorists or to state rules or similar information by a homeowner association, camp or campground. Such signs shall still require a zoning permit for the sign and the payment of the required permit fee. In addition, a homeowner association may place standard-sized regulatory signs (such as stop signs) and street name signs wherever necessary within the development, without needing a zoning permit or payment of a fee.

705.E. Master Sign Plan. It is requested that a development involving multiple uses and/or lots include a master sign plan that identifies the location, size and type of various signs.

705.F. Changeable Messages . A sign shall display the same message and image for a minimum of 10 seconds before the sign changes to a different message or image, except time and temperature signs.

706. **OFF-PREMISES SIGNS (includes Billboards)**.

706.A. Location. Except as specifically permitted otherwise by this Article 7, an off-premises sign shall only be allowed in the C-1 Commercial zoning district. Special exception approval shall be required for an off-premises sign with a sign area of more than 50 square feet.

706.B. Setbacks. An off-premises sign shall meet the same setback requirements that would apply to a principal building in that zoning district. An off-premises sign that is illuminated or that has a sign area of more than 50 square feet shall be setback a minimum of 500 feet from any existing dwelling.

1. An off-premises sign of more than 50 square feet in sign area shall be setback a minimum of 1,000 feet from any other off-premises sign of more than 50 square feet in sign area.

706.C. Height and Sign Area. An off-premises sign shall have a maximum total height of 40 feet and a maximum sign area of 300 square feet. Extensions shall not be allowed to extend beyond the maximum sign area. An off-premises sign may include 2 sign faces if they are approximately back-to-back.

706.D. Changeable Message. An off-premises sign shall maintain the same message or image for a minimum of 10 consecutive seconds before changing to display any other message or image.

707. **REMOVAL OF SIGNS.**

707.A. Nonconforming Signs.

1. A lawful nonconforming sign may be continued but shall not be expanded or changed in any manner that would increase the sign's nonconformity. If a permit is issued by the Township, then an existing lawful nonconforming sign may be replaced with a new nonconforming sign, provided the new sign is not any more nonconforming than the previous sign. For example, an existing nonconforming sign may be allowed to be replaced in the same location by a new sign with the same or less sign area and height.
2. A nonconforming sign shall also be required to comply with Sections 707.B. and 707.C.

707.B. Obsolete or Unused Signs.

1. If a sign (other than an allowed off-premises sign) advertises a business no longer being conducted or a product, event or service no longer being offered on the premises, such sign and sign structure shall be removed within 12 months after such cessation of activity. Such removal shall be accomplished by the owner of the property. The Zoning Officer shall provide an Enforcement Notice as authorized by Article 1 that requires the removal of the sign.
  - a. This provision shall not require the removal of a sign structure if business space is actively being offered for lease by a new tenant, or the building is under renovation or reconstruction, and the sign structure is clearly intended to be and is suitable to be re-used by the new tenant.
2. If an off-premises sign pertains to a business or facility that is discontinued for a period of 12 months or more, such sign and sign structure shall be removed by the owner of the property.

707.C. Signs in Poor Repair. See Section 704.C. If the Zoning Officer determines that a sign is unsafe, insecure or is a hazard to persons or property, the Zoning Officer shall send an Enforcement Notice requiring that the sign be repaired or removed within a maximum of 30 days from the date of receipt of the Notice or another time period specified in the Notice.

1. If such sign is not repaired or removed within the time period specified in the Enforcement Notice, and a timely appeal is not filed and granted, the Zoning Officer shall be authorized to cause the sign to be removed at the expense of the owner of the lot.
2. In addition, if a sign is determined to be an imminent hazard to the public, the Zoning Officer may have the sign ordered to be removed immediately at the expense of the owner of the lot.
3. This Section 707 is permissive to the Township. The Township is under no obligation to identify and address every sign that may be a hazard.

This page is intentionally blank.



**ARTICLE 8**  
**GENERAL REGULATIONS**

**801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.**

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
  - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
  - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
  - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
  - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.

801.D. Occupancy of Recreational Vehicles and Mobile/Manufactured Homes.

1. No recreational vehicle shall be occupied on a lot for more than 180 days in a calendar year, except as may be approved within a campground with suitable central sewage hookups. Otherwise, if a recreational vehicle is occupied on a lot for more than 30 days outside of a campground, it shall only be allowed if a building permit has been issued for a new dwelling and if the recreational vehicle is only being used temporarily while a new dwelling unit is actively under construction on-site.
2. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.
3. A mobile/manufactured home shall not be used as a storage building on a residential lot, except as necessary during on-site construction of new principal buildings in a subdivision.

802. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines and towers, elevator shafts, stair towers, flag poles, windmills, skylights, chimneys, heating/ventilation/air conditioning equipment, smoke stacks, parapet walls of up to 4 feet in height and other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202 and provisions in Section 307.B.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property-owner association.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, one yard adjacent to a street shall meet the front yard width provided in Section 307 and the second yard that is adjacent to a street shall have a minimum width of 30 feet. See definition of "Lot, Corner" in Section 202.
2. Projections Into Required Yards.
  - a. Cornices, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, "Bilco"-type doors for basement access, window awnings, footers, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
  - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
  - c. For decks and porches, see Section 307.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

803.C. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of deciduous trees. The triangle shall be measured along the centerline of the right-of-way of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the streets. A third longer leg shall connect the two legs along the centerlines, to form the triangle.

1. However, in place of the above sight triangle, where a local street intersects an arterial or collector street with a stop sign only at the local street, the leg of the triangle along the arterial or collector street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet beyond the right-of-way of the arterial street.
2. The clear sight triangle shall be kept free of such obstructions in perpetuity.

803.D. Buffer Yards. Buffer yards and plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Ordinance:

1. A minimum 50 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal non-residential purposes that is contiguous to a lot occupied by an existing principal dwelling or an undeveloped residentially zoned lot.
  - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 100 feet, and the minimum initial height of plantings shall be increased to 8 feet.
  - b. If a lot will include more than 30,000 square feet of business building floor area, then the minimum buffer yard width shall be increased to 100 feet and the minimum initial height of plantings shall be increased to 8 feet.
  - c. If a dwelling will be on the same lot as a principal business use, then a buffer yard shall not be required by this Section.
  - d. A 10 feet minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street or expressway.
  - e. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street:
    - (1) Along lot lines of any newly developed or expanded outdoor industrial storage or loading area; or
    - (2) Along lot lines of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage, or display, signs, manufacturing or processing activity, materials, loading and unloading areas, or vehicle parking or display.
4. Fence. Any wall or fence in a buffer yard shall be placed on the inside (non-residential side) of any required plant screening.
5. Each planting screen shall meet the following requirements:

- a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
- b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
- c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
- d. The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
- e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
- f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
- g. The plant screening shall primarily use evergreen trees.
- h. If existing healthy trees with a trunk diameter of 6 inches or greater (measured 4.5 feet above the ground level) exist within the buffer yard, they shall be preserved to the maximum extent feasible. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
- i. The use of earth berms in combination with landscaping is encouraged within buffer yards to provide additional protection to dwellings and residential areas. An earth berm may be required as a condition of a conditional or special exception use approval.

7. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
  - (1) the location and arrangement of each buffer yard;
  - (2) the placement, general selection of species and initial size of all plant materials; and
  - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.

804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks, and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish, and noxious weeds.

804.B. See the buffer yard provisions in Section 803.

804.C. Street Trees. See the Subdivision and Land Development Ordinance.

804.D. Parking Lot Landscaping.

1. A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within automobile parking areas. Otherwise, the trees may be planted around the parking area.
3. Deciduous trees required by this section shall meet the following standards:
  - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees. The Board of Supervisors may approve a proposal for an alternate species if the applicant proves such species would shade paved areas, be resistant to disease, road salt and air pollution and be attractive and sturdy.

TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum - Red Maple Acer saccharum - Sugar Maple Celtis occidentalis - Common Hackberry Fagus sylvatica - European Beech Fraxinus americana - White Ash Fraxinus pennsylvanica - Green Ash Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor) Gleditsia triacanthos - Thornless Locust Liquidambar styraciflua - Sweet Gum Liriodendron tulipifera - Tulip Poplar	Quercus - All species of oaks Sophora japonica - Scholar Tree/Pagoda Tree Tilia americana - American Linden Tilia cordata - Little Leaf Linden Tilia euchlora - Crimean Linden Tilia petiolaris - Silver Linden Ulmus hybrids - Homestead or Sapporo Autumn Gold Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm Zelkova serrata - Zelkova
---	---

Note: This ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
- d. Planting and Maintenance. Required trees shall be:
  - (1) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
  - (2) properly protected by curbs, curbstops, distance, or other devices from damage from vehicles.

804.D. Parking Lot Landscaping. A minimum vegetative area shall be provided that includes at least a 4 feet minimum radius around all sides of the trunk of each required deciduous tree within or adjacent to a parking lot.

804.E. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

804.F. Landscape Maintenance. All tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

804.G. Stormwater Basin Landscaping. The following requirements shall apply to landscaping within and around stormwater management basins:

1. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
2. Trees and shrubs shall be planted around stormwater basins. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin, such as within 30 feet from the outlet/drain structure, emergency spillway or dam. A minimum average of 2 trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Such perimeter shall be measured at the elevation of the top of the berm. Such trees and shrubs shall be in addition to other Township requirements. Trees shall have an initial trunk diameter of 2 inches, measured 6 inches above the ground. Shrubs shall have an initial height of 4 feet.
3. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Township Engineer.
4. Lawn grass areas may be sodded or hydro-seeded to minimize erosion during the establishment period. Once established, turfgrass areas on non-wet areas of the basin shall be maintained at a height of not more than 6 inches.
5. To the maximum extent feasible, stormwater basins shall be designed with slopes that blend with the surrounding topography. Areas intended to be mowed shall have a maximum slope of 3:1.

805. **NONCONFORMITIES.**

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
  - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
  - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.

- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
2. Nonconforming Lots.
- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
    - (1) The lot must be a lawful nonconforming lot of record;
    - (2) Minimum setback requirements shall be met;
    - (3) State and Federal wetland regulations shall be met; and
    - (4) If a septic or well is used, the requirements for such shall be met.
  - b. Lot Width. If an existing lawful lot of record has a smaller lot width than would be required for a new lot, such a lot shall still be considered to be a conforming lot, unless the lot is nonconforming in another manner, such as having a nonconforming lot area.
3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
  - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
  - c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 25 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
    - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
  - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
5. Nonconforming Sign. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- 805.D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 6 months afterwards and continues, and c) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- 805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section in Section 805.D.
2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
  - a. Traffic safety and generation (especially truck traffic);
  - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards;
  - c. Amount and character of outdoor storage;
  - d. Hours of operation if the use would be close to dwellings; and
  - e. Compatibility with the character of the surrounding area.
4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. **DUMPSTER SCREENING AND LOCATION.**

- 806.A. Waste dumpsters shall be screened on at least 3 of 4 sides by landscaping, solid fencing or an architectural masonry wall if the dumpster is visible from a street or a dwelling on another lot.
- 806.B. This section shall not apply to dumpsters that are temporarily kept on site during construction or for a period of less than 60 days per year.



*This page is intentionally blank*

## **INDEX**

This index is intended to assist applicants in locating appropriate sections. However, this index is not all-inclusive.

	<u>Section No.</u>
Accessory Residence for Relative	306.B., 403.D
Accessory setbacks	307.C., 403.B.
Accessory structures, residential	306, 307.C., 403.D
Additional Requirements for Specific Accessory Uses	403 - alphabetical
Additional Requirements for Specific Principal Uses	402 - alphabetical
Adult uses	306.B.2 and 402.A.1
Age-Restricted Residential Development (including incentives)	306, 311
Agricultural Retail Sales	403.D.
Amendments to this ordinance	108
Antenna	403.D, 306.B., 402.A
Appeals	113, 103.F.
Application Requirements	103
Bed and breakfast inns	306.B.1&2 and 402.A.
Buffer yards	803.D.
Buffer yards along municipal borders	305
Building height	307.B.
Buildings, number of principal buildings per lot	801
Clear Sight Triangle	803
Communications Towers	306.B.and 402.A.
Composting	306.B. and 403.D.2.
Conditional Uses	117
- Additional Standards for Various Uses	402 and 403
Creeks, Setbacks from	312
Curative amendments	109
Day Care as a principal use	306.B.1&2 and 402.A.
Day Care as an accessory use	306.B. and 403.D.
Deck setbacks	307.C.
Definitions	202
Density, Average, measurement of	307.A. footnotes
Dimensional Requirements by Zoning District	307
Disabilities, Zoning Accommodations for	111.D.5
District boundaries	304
Districts, dimensional requirements within each	307
Districts, uses permitted in each	306
Disabilities, accommodations for	111.D.
Districts, purposes of each	301

*Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011*

	<u>Section No.</u>
Drive-through facilities	403.D.
Dumping	510
Dumpsters	806
Dust	506
Dwellings, minimum size of	801
Enforcement	106
Environmental protection	Article 5
Erosion Control	501
Fees	107
Fences and Walls	403.D.7., 306.C.
Fire Lanes	605
Floodplains/Flood-Prone Areas	504
Forestry	402.A.
Frontage for Lot	801
Gas and Oil Wells	306, 403
Groundwater Withdrawals	306.B., 402.A.
Group homes	402.A., 202, 306, 111.D.
Hazards	502
Hearings by Zoning Hearing Board	112
Height requirements	307.B., 802
Height exemptions	802
Home Occupations	306.B.1&2, 403.D.
Hours of Operation	808
Interpretation	105
Lakes	308
Landscaping	804 and 803.D.
Liability	118
Livestock, raising of	306.B. and 402.A.
Loading spaces	604
Lot area requirements	307
Municipal boundaries, setbacks and buffers across	305
Nonconformities	805
Nonconforming Signs	702
Nuisances	502
Objectives of this Ordinance	102
Odors	506
Open Space Development	311

*Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011*

	<u>Section No.</u>
Parking, design standards	603
Parking, handicapped	603.G.
Parking lot landscaping	804.D.
Parking spaces	Article 6
Parking spaces, number of	601
Paved area setbacks	603.H.
Paving of parking	603.E.
Permits	103, 104, 106 and 107
Permitted uses by district	306
Pets	403.D., 202, 306.C.
Penalties	106
Planned Residential Developments	312
Plant screening	803
Principal Uses, Additional Requirements for Specific Uses	402
Public safety hazards	502
Public utility exemptions	114
Purposes of Ordinance	101
Road improvements	801
Screening, landscape	803.D.
Septic systems	309
Setback across municipal border	305
Setback exemptions	803
Setback requirements by zoning district	307
Setbacks from Creeks	312
Setbacks from Streets	307
Sewage service	309
Shed setbacks	307.C.
Sight clearance	See SALDO, 803
Signs	Article 7
Sign Definitions	702
Sign Procedures	703
Similar uses	105
Site Plans	103.D.
Special exception use process	116
- Additional Standards for Various Uses	402 and 403
Steep Slopes	310
Storage, Outdoor	403.D.
Street frontage of lots	801
Street improvements	801
Street trees	804.C.
Swimming pools, household	403.D.

*Penn Forest Township Zoning Ordinance – As Adopted December 5, 2011*

	<u>Section No.</u>
Temporary structure or use	103.G.
Township exemption	115
Trees, Street	804.C.
Unit for Care of Relative	306.B., 403.D.
Uses Allowed in Each Zoning District	306
Uses, number per lot	801
Variances	111
Violations	106
Walls	403.D.
Waste containers, placement and screening	508
Water service	309
Waterways, setback from	312
Wetlands	308
Wind Turbines, Accessory	306 and 403
Wind Turbines, Other than Accessory	306 and 402
Yards - See Setbacks in this Index	
Yard exceptions	803.B.
Zoning officer	110
Zoning map	Insert
Zoning hearing board	111, 112, 303