

NORTH ABINGTON TOWNSHIP

LACKAWANNA COUNTY, PENNSYLVANIA

ZONING ORDINANCE

ENACTED
SEPTEMBER 4, 2001

RECEIVED
SEP 12 2001

COMMUNITY PLANNING & MANAGEMENT ASSOCIATES
CARSON HELFRICH
HCR #1 BOX 59, PAUPACK, PA 18451
570-857-0282 (TELEPHONE & FAX)

REWARD

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**ARTICLE XIV
ADOPTION**

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Adoption 1

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

ARTICLE I - GENERAL PROVISIONS

100 Repealer and Conflict

This Zoning Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors shall amend and replace in total the North Abington Township Zoning Ordinance of October 1, 1991 (Ordinance 2-91), as amended. This Zoning Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the North Abington Township. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Zoning Ordinance, the most restrictive standards and provisions shall apply.

101 Title and Short Title

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

102 Purpose

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

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

103 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the

promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

104 Severability

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

105 Effective Date

This Zoning Ordinance shall take effect immediately upon its adoption.

ARTICLE II - COMMUNITY DEVELOPMENT OBJECTIVES and GOALS**201 Community Development Objectives**

This Zoning Ordinance has been adopted in part to assist in implementing the North Abington Township Comprehensive Plan. This statement of the Community Development Objectives is included under the authority of Section 606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives supplement the Goals and Objectives in the Comprehensive Plan and include, but are not limited to the following:

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

Specific Objectives for Conservation Design for Residential Development

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.

- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- C. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- D. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- E. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- F. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
- G. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- I. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
- J. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- K. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
- L. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

ARTICLE III DEFINITIONS

301 Rules of Construction and Definitions

The following rules of construction shall apply to this Ordinance:

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

302 Terms, Phrases and Words Not Defined

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

303 Definitions

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

Abandoned or Junked Vehicle: Any vehicle not stored in a fully enclosed building which is not in good operating and road-worthy condition. See *Good Operating and Road-Worthy Condition*.

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

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

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

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of *Specified Sexual Activities*

or *Specified Anatomical Areas*. An *Adult Arcade* shall be considered an *Adult Business* for the purpose of this Ordinance.

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

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe *Specified Sexual Activities* or *Specified Anatomical Areas*; or
- B. Instruments, devices or paraphernalia which are designed for use in connection with *Specified Sexual Activities*.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing *Specified Sexual Activities* or *Specified Anatomical Areas* and still be categorized as *Adult Bookstore* or *Adult Video Store*. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an *Adult Bookstore* or *Adult Video Store* so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe *Specified Sexual Activities* or *Specified Anatomical Areas*.

The term *Adult Bookstore* shall also include but not be limited to an *Adult Novelty Store* and an *Adult Video Store*, and all such uses shall be considered an *Adult Business* for the purpose of this Ordinance.

Adult Business: Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of *Specified Anatomical Areas* or by *Specified Sexual Activities*, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of *Specified Anatomical Areas* or *Specified Sexual Activities*, or where any *Specified Sexual Activities* are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article II:
 1. adult arcade
 2. adult bookstore, adult novelty store or adult video store
 3. adult live entertainment use or facility
 4. adult motel
 5. adult motion picture theater
 6. adult theater
 7. escort agency
 8. massage parlor
 9. nude model studio
 10. sexual encounter center

Adult Care Facility: See *Health Facility*.

Adult Day Care Center: A use providing supervised care and assistance primarily to persons to persons who are over age 60 and not in good physical health or suffering from Alzheimer disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include

persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

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

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

An *Adult Live Entertainment Use or Facility* shall be considered an *Adult Business* for the purpose of this Ordinance.

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

- A. As one of its principal business purposes or as a substantial part of its business, offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of *Specified Sexual Activities* or *Specified Anatomical Areas*; or,
- B. Offers sleeping rooms for rent three (3) or more times in one calendar day.

An *Adult Motel* shall be considered an *Adult Business* for the purpose of this Ordinance.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of *Specified Sexual Activities* or *Specified Anatomical Areas*. An *Adult Motion Picture Theater* shall be considered an *Adult Business* for the purpose of this Ordinance.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of *Specified Anatomical Areas* or *Specified Sexual Activities*. An *Adult Theater* shall be considered an *Adult Business* for the purpose of this Ordinance.

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

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

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

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

location or position to another.

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

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

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

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

Antique Vehicle: A motor vehicle, but not a reproduction thereof, manufactured more than twenty-five (25) years prior to the current year, which has been maintained in or restored to a condition which is substantially in conformance with manufacturer specifications and which is in good operating and road-worthy condition.

Apartment: See *Dwelling*.

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

Archery Range, Indoor: See *Recreational Facility, Private*.

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

Assisted Care Dwelling Unit for Relative: A living area attached to the principal dwelling unit or separate mobile home especially erected for and limited to the temporary occupancy by a person who is *Related* to the permanent residents of the principal dwelling unit on the parcel. Such use shall be restricted to a relative who needs such accommodations because of old age, developmental disability, illness, mental illness that does not threaten physical harm to others, or physical handicap. (Not permitted in R-1 District; See §606.)

Bank: An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. (See *Service Establishment*).

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

Bed and Breakfast: Any single-family dwelling in which persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.

Betting Use: A use where lawful gambling activities are conducted, including but not limited to off-track pari-mutual betting. This term shall not include betting under the State Lottery programs or betting under the *Small Games of Chance* provisions of State law, which shall instead be regulated under the regulations applicable to the principal use of the property.

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

Board of Supervisors or Supervisors: The Board of Supervisors of North Abington Township, Lackawanna County, Pennsylvania.

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

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

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

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

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

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

Campground or Recreational Vehicle (RV) Park: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for temporary occupancy. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

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

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

Cemetery: Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering or remains of properly cremated humans is not regulated by this ordinance.

Church: A building used for public worship. (See also *Place of Worship*.)

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

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

Cluster Development: A form of development for single-family residential development that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

Collector Vehicle - Any vehicle of limited manufactured production from the present to twenty-four (24) years old, in good operating and road-worthy condition.

Commercial Communication Device - Any device which is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following:

- A. Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- B. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.
- C. Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than forty-five (45) feet in height.
- D. Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or water craft.
- E. A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens and radio control toys.

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

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

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

Common Facilities: Improvements in a development that are not required by the Township but have been constructed

as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

Commission: The Planning Commission of the North Abington Township, Lackawanna County, Pennsylvania.

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

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

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

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

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

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

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

Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant and meeting rooms.

County: The County of Lackawanna, Commonwealth of Pennsylvania.

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

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

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

Day Care, Child: A use involving the supervised care of children under age sixteen (16) outside of the children's own home primarily for periods of less than eighteen (18) hours during the average day. This use may also include educational programs that are supplementary to State-required education, including a nursery school. The following three types of day care are permitted without regulation by Ordinance: 1) care of children by their own relatives, 2) care of children within a place of worship during regularly scheduled weekly religious services and 3) care of one (1) to three (3) children within any dwelling unit, in addition to children who are relatives of care giver. (See also *Adult Day Care Center*.)

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

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

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

Detention Facility: A publicly operated or sponsored facility used to house and/or rehabilitate individuals detained, sentenced by, or under the jurisdiction of the criminal justice system, including but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses and similar facilities.

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

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

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

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

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

Driveway: A privately owned, constructed, and maintained vehicular access from a street or access drive to only one (1) dwelling unit, commercial unit, institutional or industrial principal use. (See also *Access Point*.)

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

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

Dwelling, Multi-family: A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *Multi-family Dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. Conversion Apartments: A new dwelling unit created within an existing building.
- B. Garden Apartment: A multi-family dwelling not exceeding two and one-half (2 ½) stories in height and containing three (3) or more dwelling units which are located one over the other and which, when more than three (3) units are utilized, are attached side-by-side through the use of common party walls, and which shall have side yards adjacent to each first story end unit. Each dwelling unit is accessible by a common stairwell.
- C. Townhouse: A multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located

over another unit and each unit is separated from any other unit by one or more common fire resistant walls without openings.

- D. **Apartment Building:** A multi-family dwelling containing dwelling units having only one (1) floor and typically with an entrance door to a common hallway shared by other dwelling units.

Dwelling, Single-Family: A dwelling unit detached from any other dwelling unit accommodating a single family and having a front, rear and two (2) side yards.

Dwelling, Two-Family: A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units.

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

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

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

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

Escort Agency: A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An *Escort Agency* shall be considered an *Adult Business* for the purpose of this Ordinance.

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

Estate Lot: A large, privately-owned lot comprising all or part of an area of open land in an open land development. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while maintaining the lot under private ownership and maintenance, without public access. Only a small part of an estate lot may be developed.

Exercise Club: A facility that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, non-household pool and racquetball courts. (See *Recreational Facilities, Private*.)

Family: One or more persons living in a single dwelling unit functioning as a common household unit sharing household expenses and sharing joint use of the entire dwelling unit. If a dwelling unit is rented, in order to qualify as a family, there shall not be more than one (1) lease among all of the occupants. A family shall not include more than four (4)

persons who are not *Related* to each other (see *Related*). (See provisions in §605 regarding maximum number of unrelated persons within a *Group Home*. A *Treatment Center/Clinic* shall not be considered a *Family* or a *Group Home*. See also *Dwelling Unit*.)

Fence: A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a *Wall*. The term *Wall* does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms *Fence* and *Wall* do not include hedges, trees or shrubs.

Flea Market: An occasional or periodic sales activity held outside a fully enclosed building where stalls or sales areas are set aside, and rented or otherwise provided and which are intended for use by one or more unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets shall not include any operation which involves the sale of any obscene or pornographic material or any activity included in the definition of *Adult Business* contained in this Ordinance.

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

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

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

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping. (See *Retail Establishment*.)

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, and sale of accessories, but not including the painting and/or body work thereof and other vehicle and equipment repair operations as defined by this Ordinance. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

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

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

Golf Driving Range: A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. (See *Recreational Facilities, Private*)

Good Operating and Road-Worthy Condition: - A vehicle having both a current and valid registration and current and

valid inspection sticker as required by the motor vehicle laws of the Commonwealth of Pennsylvania. Registrations and inspections which have been expired for less than sixty (60) days shall be considered current for the purposes of this definition.

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

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

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

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

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

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

*NOTE: A use that would otherwise meet the definition of *Group Home* but which includes more than the permitted number of residents shall be considered an *Health Facility* which is a distinct use.

Halfway House: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and/or counseling are provided to mainstream inmates back into society, enabling them to live independently. Such placement is pursuant to the authority of the criminal justice system. *Halfway houses* shall be considered *treatment centers/clinics* for the purposes of this Ordinance.

Health Facilities: Publicly or privately operated establishments engaged in providing services for human health maintenance including hospitals, medical clinics, nursing homes, adult care facilities and personal care homes, but not including *Treatment Centers/Clinics* or *Abused Person Shelters* as defined by this ordinance.

Heliport: An area used for the take-off and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage. This Ordinance is not intended to regulate the non-routine emergency landing and take-off of aircraft to pick-up seriously injured or ill persons. (See *Airport*.)

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the

exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; and may include professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses, excluding commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops and other uses not meeting the requirements of §503.3 of this Zoning Ordinance.

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

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, but not including *Treatment Centers/Clinics* or *Abused Person Shelters* as defined by this ordinance. (See *Health Facility*).

Hotel: A facility offering temporary (generally for periods of two (2) weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Impervious Surface: Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is *Impervious*. Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).

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

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

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

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

Junk shall not include any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection.

Junkyard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The following shall also be considered junk yards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles; and,
- B. The outside storage or deposit on a lot of one (1) or more mobile/manufactured homes that are not in habitable condition; and,

Vehicle sales lots managed by licensed vehicle dealers operated in accord with the Township Zoning Ordinance and storage areas for antique and collector vehicles with adequate screening approved by the Township shall not be considered junk yards. Junk stored within a completely enclosed building for commercial purposes shall be considered a warehouse for the purposes of this Zoning Ordinance.

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

Kennel Private: Any building or buildings or land designed or arranged for the care of dogs, cats or household pets belonging to the owner of the principal use, kept for purposes of show, hunting or as pets, and not involving the commercial sale or barter of animals.

Land Development: Any of the following activities:

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

The definition of land development shall not include:

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

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

Livestock Operation: The raising or keeping of livestock for home use or any commercial purpose. (See §803.2)

Livestock: Any animals raised or kept for home consumptive use or profit, including, but not limited to cattle, bison, sheep, goats, llamas, swine, fowl, rabbits, insects and fur bearing animals.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other

means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot, Existing of Record: Any lot or parcel of property which was legally in existence and properly on file with the Lackawanna County Recorder of Deeds prior to April 3, 1973, the effective date of the initial North Abington Township Zoning Ordinance.

Lot, Through: A lot that abuts two (2) approximately parallel streets.

Lot Area: The total number of square feet in the lot less any area included in any public road rights-of-way affecting the lot.

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

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

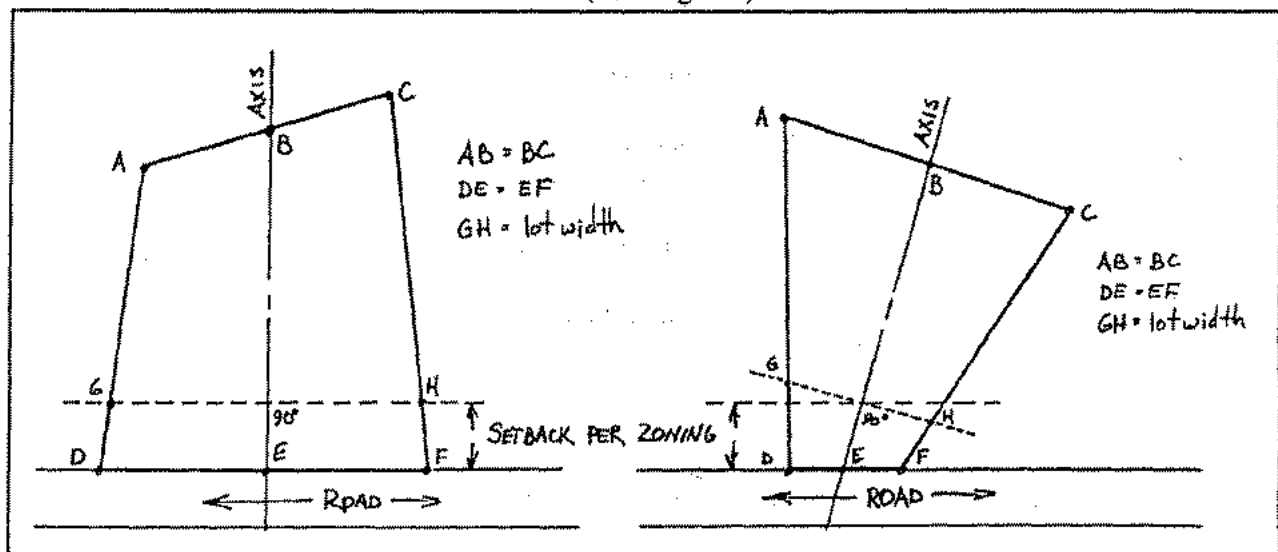
Lot Frontage: The horizontal distance measured along the right-of-way line of the street on which the lot is located. In the case of corner lots, the longest frontage shall be considered the lot frontage.

Lot Line, Front: The ultimate right-of-way line of the street or road on which the lot fronts.

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

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot Width: If the side property lines are parallel, lot width shall be the distance between the side lines. If the side property lines are not parallel, lot width shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. For the purpose of identifying the axis in the case of irregularly shaped lots, the midpoint of the front lot line shall be joined to the most distant midpoint of the lot lines at the rear of the lot. However, in no case shall the lot frontage of the lot be less than required by the Schedule of Development Standards contained in Article IV of this Ordinance. (See diagram.)



Manufactured Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed on a permanent foundation; but not including mobile homes.

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

Manufacturing, Light: Facilities involving generally unobtrusive processes not resulting in the storage of hazardous materials or the generation of hazardous waste products, or other environmentally regulated processes. Uses producing products predominately from previously prepared materials, finished products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like, but excluding basic industrial processing.

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

Massage Parlor: An establishment that meets all of the following criteria:

- A. *Massages* are conducted;
- B. The person conducting the massage is not licensed as a health care professional or a licensed massage therapist by the State;
- C. The massages are not conducted within a licensed hospital, nursing home, personal care center or office of a medical doctor or chiropractor;
- D. The massages are conducted within private or semi-private rooms; and
- E. The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

A *Massage Parlor* shall be considered an *Adult Business* for the purpose of this Ordinance.

Medical Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not lodged overnight, but not including *Treatment Centers/Clinics* or *Abused Person Shelters* as defined by this ordinance. (See *Health Facility*).

Minerals: Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

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

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park, improved with the

necessary utility connections and other appurtenances; and, said lot being specifically designated by division from other lots in the mobile home park.

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

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

Modular Home: A dwelling unit for permanent occupancy partially constructed at a location other than the lot on which it is erected, is transportable and is comprised of several sections assembled and erected on a lot, and is placed on a permanent foundation, and which is generally not intended to be disassembled for transport to another location.

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

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

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

Natural Resource Use: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof, said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, ore, peat, soil, or other *minerals* as defined in this Article III, including the incidental crushing, screening, washing or grading of minerals originating on the premises.

Natural Resource Use, Major: All natural resource uses and expansions of existing natural resource uses with a cumulative disturbed area of twenty-five thousand (25,000) square feet or more

Natural Resource Use, Minor: Natural resource uses which will result in a cumulative disturbed area of less than twenty-five thousand (25,000) square feet.

Natural Resources Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Non-conforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created and recorded in the office of the Lackawanna County Recorder of Deeds prior to the effective date of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced. (See also §902)

Non-conforming Structure: A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure Ordinance fully existed prior to the enactment

of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming signs. (See also §902)

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Ordinance fully in existence prior to the enactment of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced. (See also §902)

Nude Model Studio: Any place where a person who appears in a state of nudity or displays *Specified Anatomical Areas* is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A *Nude Model Studio* shall be considered an *Adult Business* for the purpose of this Ordinance.

Nudity or a State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

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

Nursing Home: A facility licensed by the Commonwealth for the housing and intermediate or fully-skilled nursing care of three (3) or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including *Treatment Centers/Clinics* or *Abused Person Shelters* as defined by this ordinance. (See also *Health Facility*.)

Obscene Materials: Any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, any *Specified Anatomical Areas* and/or *Specified Sexual Activities*.

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

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

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

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

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

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation.

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

A. **Zoning Permit:** A permit that may be issued indicating that a proposed use, building or structure is, to the

best knowledge of the Township Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

- B. Construction Permit: A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Township Staff, in accordance with the provisions of the Building Code(s) adopted by the Township.
- C. Occupancy Permit: A permit that may be required by the Township that is issued upon completion of the construction of a structure, or change in use of a structure or parcel of land, or re-occupancy of a structure or land indicating that the premises, to the best knowledge of the Building and Zoning Officers, comply with the provisions of Township Ordinances. This shall have the same meaning as a "Certificate of Use and Occupancy."

Personal Care Home or Center: A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth, but not including *Treatment Centers/Clinics* or *Abused Person Shelters* as defined by this ordinance. (See *health facility*.)

Place of Worship: Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate *Dwelling type*.

Planning Commission: The Planning Commission of North Abington Township.

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

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

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

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession, including the following professions: accountant, architect, author, dentist, engineer, insurance agent landscape architect, lawyer, optometrist, planner, physician, realtor, and other such occupations as may be designated by the Township as part of the conditional use process by virtue of the need for specialized training and experience as a condition of the practice of the profession and that such profession will in no way adversely affect the safety or character of surrounding properties to a greater extent than the specific professions listed herein. The issuance of a federal, state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

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

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

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

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

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

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

Recreational Vehicle Park: See *Campground and RV Parks*.

Recyclables: Materials intended for reuse, remanufacture or reconstitution and including for the purposes of this Zoning Ordinance only the following materials: aluminum beverage containers; glass beverage and food containers; plastic beverage, food and household product containers but not including plastic film or bags; bi-metal food containers; newsprint, magazines, and office paper; and corrugated paper. Recyclables shall not include, except as specifically authorized by the Township in accord with §836 of this Ordinance, tires, large appliances such as stoves, refrigerators, washers and dryers, other scrap metal, used motor oil or any other material defined as *Junk* or *Solid Waste* by this Ordinance.

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

- A. **Recyclable Collection Facility:** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.
- B. **Recyclable Collection Facility, Small:** A recyclable collection facility which occupies an area of not more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) and may include mobile recycling units, kiosk type units which may include permanent structures and/or unattended containers placed for the deposit of recyclables.
- C. **Recyclable Collection Facility, Large:** A recyclable collection facility which occupies an area of more than five-hundred (500) square feet (including areas used for containers or other recyclable storage but not parking and loading areas) but not more than twenty thousand (20,000) square feet (including areas used for container or other recyclable storage, structure and parking and loading areas) and which may include permanent structures, and limited recyclable processing for shipment or preparation to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding or cleaning or but not including the remanufacturing or conversion of recyclables to new products or raw materials used for new products.
- D. **Recycling Unit, Mobile:** An automobile, truck, trailer or van, licensed by the Department of Transportation which is used for the collection of recyclable materials, or the bins, boxes or containers transported by trucks, vans or trailers and which are used for the collection of recyclable materials.

- E. Recyclable Processing Facility: Any recycling facility which exceeds the area or processing limits of a large collection facility or which involves the remanufacturing or conversion of recyclables to new products or raw materials used for new products.

Related or Relative: Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, father-in-law, mother-in-law or first cousin. It shall not include relationships such as second, third or fourth cousins.

Restaurant, Fast Food

- A. An establishment that sells ready-to-consume food or drink, that routinely involves the consumption of at least a portion of such food on the premises and that does not meet the definition of a *Standard Restaurant*.
- B. A fast-food restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a *Tavern* or nightclub as applicable must be met.

Restaurant, Standard

- A. An establishment that serves ready-to-consume food or drink for compensation in which the clear majority of sales involve the following: the customers order their food from a waiter or waitress while seated inside a building and then the food is consumed at the table.
- B. A standard restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a *Tavern* must be met.

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

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

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

School, Public or Private Primary or Secondary School: - An educational institution primarily for persons between the ages of five (5) and nineteen (19) that primarily provides State-required or largely State-funded educational programs. This term shall not include *Trade Schools* (such as privately operated schools of trade, vocation or business.)

Screened: Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Township.

Self-Storage Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

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

Senior Day Care Center: Any establishment enrolling five (5) or more adults where fees or other forms of compensation

are charged for the care of the adults, such care limited to only a part of each day and the adults do not reside on the premises and no health services are provided.

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

Setback: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines. In the case of flag lots, the front setback shall be measured from the lot line closest to the public road right-of-way from which access is gained. (See also definition of *yard*.)

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

- A. **Community Sewage System:** A sewage disposal system which serves more than one (1) principal use.
- B. **On-Lot Sewage System:** Any form of sewage service permitted under local, State and Federal law that does not meet the definition of *Community Sewage System*.

Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;
- B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

A *Sexual Encounter Center* shall be considered an *Adult Business* for the purpose of this Ordinance.

Shed: An accessory structure, either attached or detached, used to store tools, minor equipment, and materials.

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

Shooting Range, Indoor: See *Recreational Facility, Private*.

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

Signs: See §505.

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

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or

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

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

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

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

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

Specified Anatomical Areas: Any of the following:

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

Specified Sexual Activities: Any of the following:

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

Stable, Commercial: A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes. (See §805.3)

Stable, Private: An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use. (See §805.2)

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

Story (And Half-story): A level of a building routinely accessible to humans having an average vertical clearance six (6) feet or greater shall be considered a full story, except as provided for in the definition of *Basement*. Any level of

a building having an average vertical clearance from floor to ceiling of less than six (6) feet shall be considered a *Half-story*.

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

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Among other things, structures include swimming pools, satellite dishes, buildings, mobile and modular homes, accessory buildings and billboards.

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

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

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

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition of the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

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

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

Township: North Abington Township, Lackawanna County, Pennsylvania.

Treatment Center/Clinic: A use (other than a detention facility or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one (1) year and who need such facilities because of (See also *Health Facility*):

- A. Criminal rehabilitation, such as a criminal half-way house/criminal transitional living facility or a treatment-housing center for persons convicted of driving under the influence of alcohol,
- B. Chronic abuse of or addiction to alcohol and/or a controlled substance, or
- C. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

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

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

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

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

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

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

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

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

Wall: See *Fence*.

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

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

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

- A. **Community Water System.** A water system that serves more than one (1) principal use.
- B. **On-Lot Water Service.** Service by a water system that does not meet the definition of a *Community Water System*. In most cases, this would involve an individual well serving an individual lot.

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

Yard: An open space, as required by this Ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as otherwise permitted by this Ordinance. (See also definition of *setback*.)

Yard, Front: An open space extending the full width of the lot between the front of the building and the road right-of-way line, unoccupied and unobstructed from the ground upward except as otherwise permitted by this Ordinance. (See also definition of *setback*.)

Yard, Rear: An open space extending the full width of the lot, between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise permitted by this Ordinance. (See also definition of *setback*.)

Yard, Side: An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise permitted by this Ordinance. (See also definition of *setback*.)

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

Zoning Map: The Official Zoning Map of North Abington Township.

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

ARTICLE IV DISTRICT REGULATIONS

401 Designation of Districts

401.1 Designation

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

- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- A-1 Agricultural District
- S-1 Conservation District
- C-1 General Commercial District

401.2 Intent

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

401.3 Floodplain Regulations

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

401.4 Conservation Design Overlay District

The Conservation Design Overlay District is hereby created to promote the conservation of open lands in the Township. The District shall apply to all areas of the Township in Districts where residential development is permitted, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of §601 of this Zoning Ordinance shall apply.

401.5 Airport Overlay District

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

402 Official Zoning Map

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

403 District Boundaries

403.1 Establishment

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

403.2 Interpretation

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

Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;

Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

403.3 Uncertainty

In the event of uncertainty as to the true location of a district boundary line in a particular instance, any decision of the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the duty of the Zoning Hearing Board to render its determination with respect thereto.

403.4 Division of Land In Single Ownership

In cases where a zoning district boundary divides a lot or parcel in single ownership prior to the effective date of this ordinance, any use provided for by the Schedule of Uses for either district may extend a distance of not more than fifty (50) feet beyond the zoning district line of the district in which such use is provided by the Schedule of Uses for the District.

404 District Regulations

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

404.1 Use Regulations

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

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

404.2 Uses Not Specified in Schedule of Uses

- A. Jurisdiction - Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this Ordinance and an application is made to the Zoning Officer for such use, the application shall be submitted to the Board of Supervisors which shall have the authority to permit the use

or deny the use as a conditional use.

- B. **Findings** - The use may be permitted only if the Board of Supervisors makes all of the following findings; and, the burden of proof shall be upon the applicant:
 1. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 2. The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this Zoning Ordinance.
 3. The use is not permitted in any other zoning district.

- C. **Planning Commission Review** - At the time the application is submitted to the Board of Supervisors, the Zoning Officer shall also provide a copy to the Township Planning Commission for its recommendation. The Board of Supervisors shall not conduct a public hearing on the application until the comments from the Planning Commission are received or thirty (30) days have passed from the time the application was referred to the Planning Commission.

- D. **Conditions** - The Board of Supervisors may attach reasonable conditions and safeguards to any approval granted for a *use not specified*, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Board of Supervisors may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

R-1 - LOW DENSITY RESIDENTIAL DISTRICT – SCHEDULE OF USES

INTENT: To provide areas adequate to accommodate the Township's single-family housing needs, and limiting unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Crop production - Forestry enterprises - Group homes (See §605) - Public parks and playgrounds - Single-family detached dwellings 	<ul style="list-style-type: none"> - Bed and breakfast establishments - Cemeteries - Day care, adult and child, not exceeding 6 individuals - Country clubs - Golf courses excluding miniature golf and golf driving ranges - Home occupations unless classified as an accessory use by §505.3,N - Land conservation residential development, single-family only - Places of worship - Private stables on a minimum of 5 acres - Two-family dwellings 	<ul style="list-style-type: none"> - Public and semi-public buildings and uses - Recreational facilities, public - Schools, public 	<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Commercial communications devices on existing structures (see §809.2,A) - Essential services - Home gardens, home greenhouses and home nurseries - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennas - Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the R-1 District.

R-2 - MEDIUM DENSITY RESIDENTIAL DISTRICT – SCHEDULE OF USES

INTENT: To delineate those areas which are appropriate for one and two-family dwellings, and to limit unnecessary intrusions of incompatible uses which might pose a threat to the health, safety, or welfare of families and individuals occupying said housing, and to allow certain public and semi-public uses compatible with residential neighborhoods.

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Crop production - Day care, adult and child, not exceeding 6 individuals - Forestry enterprises - Group homes (See §605) - Mobile homes on individual lots not in a mobile home park - Public parks and playgrounds - Single-family detached dwellings - Two-family dwellings 	<ul style="list-style-type: none"> - Bed and breakfast establishments - Boarding and lodging houses - Clubs/lodges, private - Day care, adult and child, 7 or more individuals - Fraternities/sororities - Golf courses excluding miniature golf and golf driving ranges - Home occupations unless classified as an accessory use by §505.3.N - Land conservation residential development - Mobile home parks - Multi-family dwellings - Nursing homes - Personal care homes or centers - Places of worship - Professional offices 	<ul style="list-style-type: none"> - Public and semi-public buildings and uses - Recreational facilities, public - Schools, public 	<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Commercial communications devices on existing structures (see §809.2.A) - Essential services - Home gardens, home greenhouses and home nurseries - Pets, keeping of - Private garages, carports, sheds - Private stables - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennas - Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the R-2 District.

A-1 - AGRICULTURAL DISTRICT – SCHEDULE OF USES

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

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Commercial greenhouses and nurseries - Crop production - Day care, adult and child, not exceeding 6 individuals - Forestry enterprises - Group homes (See §605) - Individual mobile homes for persons employed full-time on the farm where located - Livestock operations - Natural resource uses, minor - Retail sales of agricultural commodities in accord with §3 PA Right to Farm Law - Single-family detached dwellings - Stables, commercial - Two-family dwellings 	<ul style="list-style-type: none"> - Agricultural products processing - Airports - Archery ranges, outdoor - Bed and breakfast establishments - Campgrounds and recreational vehicle parks - Cemeteries - Commercial communications devices - Day care, adult and child 7 or more individuals - Golf courses excluding miniature golf and golf driving ranges - Home occupations unless classified as an accessory use by §505.3,N - Kennels - Land conservation residential development - Manufacturing, light - Natural resource uses, major - Places of worship - Race tracks - Sawmills - Shooting ranges, outdoor - Solid waste facilities, commercial and public - Solid waste staging areas - Storage yard for forest products and stone - Veterinary clinics 	<ul style="list-style-type: none"> - Public and semi-public buildings and uses - Public parks and playgrounds - Recreational facilities, public - Schools, public 	<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Commercial communications devices on existing structures (see §809.2,A) - Essential services - Home gardens, home greenhouses and home nurseries - Housing for agricultural workers fully employed on the premises - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennas - Stables, private - Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the A-1 District.

C-1 - GENERAL COMMERCIAL DISTRICT -- SCHEDULE OF USES

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

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Amusement arcade - Bed and breakfast establishments - Boarding and lodging houses - Clubs/lodges, private - Conversion apartments - Day care, child - Day care, adult - Forestry enterprises - Funeral parlors - Group homes (See §605) - Medical clinics - Natural resource uses, minor - Places of worship - Professional offices - Office buildings - Recycling collection facilities, small - Recycling units, mobile - Restaurants, traditional - Retail businesses - Self-storage facilities - Service establishments - Taverns - Veterinary clinics - Wholesale businesses 	<ul style="list-style-type: none"> - Abused person shelter - Adult businesses - Agricultural products processing - Amusement parks - Betting uses - Bulk fuel storage facilities - Bus terminal - Car and truck washes - Commercial communications devices - Crematoria - Detention facilities - Flea markets - Gasoline service station - Golf course, miniature - Greenhouse, commercial - Health facilities - Home occupations unless classified as an accessory use by §505.3,N - Hotels - Junk yards - Manufacturing and industry - Manufacturing, light - Motels - Multi-family dwellings - Natural resources processing - Private schools - Recreational facilities, private - Recyclable processing facilities - Recycling collection facilities, large - Restaurants, fast-food - Shopping centers and malls - Single-family detached dwellings - Storage yard for forest products and stone - Theaters - Treatment centers - Truck terminals - Two-family dwellings - Vehicle or equipment sales operation - Vehicle or equipment repair operation - Warehouses 	<ul style="list-style-type: none"> - Recreational facilities, public - Public and semi-public buildings and uses - Schools, public 	<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Commercial communications devices on existing structures (see §809.2,A) - Essential services - Home gardens, home greenhouses and home nurseries - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennas - Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the C-1 District.

S-1 - CONSERVATION DISTRICT – SCHEDULE OF USES

INTENT: To prevent damage to watershed areas and to avoid development of lands which, because of steepness or periodic flooding, are considered unbuildable

PRINCIPAL PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTIONS	ACCESSORY USES
<ul style="list-style-type: none"> - Crop production - Day care, adult and child, not exceeding 6 individuals - Forestry enterprises - Livestock operations - Retail sales of agricultural commodities in accord with §3 PA Right to Farm Law - Stables, commercial 	<ul style="list-style-type: none"> - Group homes (See §605) - Home occupations unless classified as an accessory use by §505.3,N - Land conservation residential development - Single-family detached dwellings 	<p style="text-align: center;">none</p>	<ul style="list-style-type: none"> - Accessory uses customary to approved uses - Commercial communications devices on existing structures (see §809.2,A) - Essential services - Home gardens, home greenhouses and home nurseries - Housing for agricultural workers fully employed on the premises - Pets, keeping of - Private garages, carports, sheds - Private swimming pools - Required parking areas - Signs accessory to approved uses - Satellite dish antennas - Stables, private - Yard sales

NOTE: Uses not specifically listed by this schedule shall not be permitted in the S-1 District.

404.3 Development Standards

The Schedule of Development Standards which follows establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare.

SCHEDULE OF DEVELOPMENT STANDARDS

Note: larger lot sizes, increased setbacks and other more restrictive standards may be required by other Ordinance sections.

PART 1 RESIDENTIAL LOT SIZES					
Zoning district →→→→→	R-1 District	R-2 District	A-1 District	C-1 District	S-1 District
Minimum lot size for single-family dwellings (acres)					
On-site sewage disposal	2	2	2	2	5
Community water & community sewage	1	1	1	2	5
Minimum lot size for two-family dwellings (acres)					
On-site sewage disposal	3	3	3	3	not permitted
Community water & community sewage	2	2	2	2	not permitted
Minimum project parcel size for multi-family dwellings (acres) --community water and community sewage disposal required --see Article VI for additional requirements					
Garden apartments	not permitted	3	not permitted	3	not permitted
Townhouses	not permitted	5	not permitted	5	not permitted
Apartment buildings	not permitted	2	not permitted	2	not permitted
Minimum average density for multi-family dwellings (acres per dwelling unit) --community water and community sewage disposal required --see Article VI for additional requirements					
Garden apartments	not permitted	1/3	not permitted	1/3	not permitted
Townhouses	not permitted	1/3	not permitted	1/3	not permitted
Apartment buildings	not permitted	1/4	not permitted	1/4	not permitted
Mobile home parks --community water and community sewage disposal required --see §607 for additional requirements					
Minimum parcel size (acres)	not permitted	5	not permitted	not permitted	not permitted
Minimum individual site size (square feet)	not permitted	3,000	not permitted	not permitted	not permitted
Maximum # units per acre	not permitted	4	not permitted	not permitted	not permitted

PART 2 LOT DIMENSIONS FOR RESIDENTIAL USES			
Single-family and two-family residential in all districts where permitted (see §601 for land conservation standards; §602 for additional two-family dwelling standards)			
	R-1, R-2, A-1	S-1	C-1
Minimum lot frontage (feet)	As regulated by Township Subdivision & Land Development Ordinance for single-family dwellings	200	200
Minimum lot width (feet)		250	225
Minimum lot depth (feet)		400	275
Maximum depth to width ratio		3.5:1 (No lot need exceed a width of 300 feet)	
Minimum front yard (feet)	50	50	100
Minimum rear yard (feet)	40	40	50
Minimum side yard, each (feet)	20	20	50
Multi-family dwellings and mobile homes: see Article VI			

PART 3 MAXIMUM BUILDING HEIGHT FOR RESIDENTIAL USES IN ALL DISTRICTS		
DWELLING TYPE	MAXIMUM HEIGHT	
	feet	stories
Single-family Two-family Garden Apartments Townhouses Apartment buildings	35	2.5
Accessory structures	16	1.5

PART 4 MAXIMUM LOT COVERAGE FOR RESIDENTIAL USES IN ALL DISTRICTS	
DWELLING TYPE	MAXIMUM LOT OVERAGE (percent)
Single-family Two-family	20
Garden Apartments Townhouses	30
Apartment buildings	50

Note: larger lot sizes, increased setbacks and other more restrictive standards may be required by other Ordinance sections.

**PART 5
LOT SIZE AND DIMENSIONS
NON-RESIDENTIAL USES IN R-1 AND R-2 DISTRICTS
AS PERMITTED BY THE SCHEDULE OF USES**

Use	Minimum Lot Size (acres)	Minimum Dimensions (feet) ¹		Minimum Yards (feet)		
		Width	Depth	Front	Rear	Sides
<ul style="list-style-type: none"> - Bed and breakfast establishments - Day care, adult and child - Group homes - Professional offices 	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district		
<ul style="list-style-type: none"> - Clubs/lodges, private - Country clubs - Golf courses excluding miniature golf and golf driving ranges - Nursing homes - Personal care homes or centers - Places of worship - Schools, public 	3	200	300	50	40	40
<ul style="list-style-type: none"> - Boarding and lodging houses - Cemeteries 	2	175	300	50	40	40
<ul style="list-style-type: none"> - Public parks and playgrounds - Recreational facilities, public 	1	125	250	40	30	30

NOTES:

1 - Maximum lot depth to width ratio -- 3.5 : 1 (No lot need exceed a width of 300 feet.)

**PART 6
MAXIMUM BUILDING HEIGHT AND
MAXIMUM LOT COVERAGE
NON-RESIDENTIAL USES IN R-1 AND R-2 DISTRICTS
AS PERMITTED BY THE SCHEDULE OF USES**

Maximum building height	2.5 stories or 35 feet
Maximum lot coverage	30 percent

Note: larger lot sizes, increased setbacks and other more restrictive standards may be required by other Ordinance sections.

**PART 7
LOT SIZE AND DIMENSIONS
NON-RESIDENTIAL USES IN A-1 AND S-1 DISTRICTS
AS PERMITTED BY THE SCHEDULE OF USES**

Use	Minimum Lot Size (acres)	Maximum Lot Size (acres)	Minimum Dimensions (feet) ¹		Minimum Yards (feet)		
			Width	Depth	Front	Rear	Sides
- Crop production - Forestry enterprises	none	none	none	none	none		
- Livestock operations	10	none	none	none	see §803.2		
- Stables, commercial	10	none	none	none	see §805.3		
- Commercial greenhouses - Commercial nurseries	1	none	125	250	50	40	40
- Agricultural products processing - Kennels - Manufacturing, light - Sawmills	5	10	175	300	50	50	50
- Natural resource uses, major	5	none	none	none	100	50	50
- Bed and breakfast establishments - Day care, adult and child - Group homes - Professional offices - Retail establishments - Service establishments	same as single-family dwelling requirement for the district	2	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district	same as single-family dwelling requirement for the district		
- Boarding and lodging houses - Places of worship - Veterinary clinics	2	3	175	300	50	40	20
- Country clubs - Golf courses excluding miniature golf and golf driving ranges	5	none	none	none	100	100	100
- Cemeteries - Public and semi-public buildings and uses - Public parks and playgrounds - Recreational facilities, public	1	none	125	250	40	30	30

**PART 7
 LOT SIZE AND DIMENSIONS
 NON-RESIDENTIAL USES IN A-1 AND S-1 DISTRICTS
 AS PERMITTED BY THE SCHEDULE OF USES**

Use	Minimum Lot Size (acres)	Maximum Lot Size (acres)	Minimum Dimensions (feet) ¹		Minimum Yards (feet)		
			Width	Depth	Front	Rear	Sides
- Airports - Archery ranges, outdoor - Race tracks - Shooting ranges, outdoor	10	none	none	none	100	100	100
- Commercial communications devices	1	none	none	none	see §809.3		
- Campgrounds and recreational vehicle parks	see §807						
- Solid waste facilities, commercial and public - Solid waste staging areas	25	none	none	none	300	100	100

NOTES:
 1 - Maximum lot depth to width ratio -- 3.5 : 1 (No lot need exceed a width of 500 feet.)

**PART 8
 MAXIMUM BUILDING HEIGHT & MAXIMUM LOT COVERAGE
 NON-RESIDENTIAL USES IN A-1 AND S-1 DISTRICTS
 AS PERMITTED BY THE SCHEDULE OF USES**

	AGRICULTURAL USES	ALL OTHERS
Maximum building height	4 stories or 50 feet	2.5 stories or 35 feet
Maximum lot coverage	50 percent	30 percent

Note: larger lot sizes, increased setbacks and other more restrictive standards may be required by other Ordinance sections.

PART 9 RESIDENTIAL AND NON-RESIDENTIAL USES IN C-1 DISTRICTS								
District	Minimum Lot Size (acres)	Minimum Dimensions (feet)		Minimum Yards (feet)			Maximum Building Height	Maximum Lot Coverage (percent)
		Width	Depth	Front	Rear	Sides		
C-1 District	2	125	250	30	30	30	3 stories or 40 feet	50

ARTICLE V SUPPLEMENTARY REGULATIONS

500 Introduction

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

501 Deviations From Required Sizes

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

501.1 Nonconforming Lots of Record

See §911 of this Zoning Ordinance.

501.2 Reserved

501.3 Front Yard Exception

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

501.4 Height Limitations

Unless specifically regulated by other sections of this ordinance, the height regulations in the Schedule of Development Standards shall not apply to spires, belfries, cupolas, domes, not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennas, public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than four (4) feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such non-agricultural structure which exceeds the maximum height requirement by more than fifteen (15) feet shall be considered a conditional use.

501.5 Extension of Non-Conforming Setbacks

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

501.6 Projections Into Yards

Projections into required yards shall be permitted as follows; however, in no case shall a projection be less than ten (10) feet from any side or rear lot line or twenty (20) feet from any public road right-of-way.

- A. Bay windows, fire places, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, eaves, or other architectural features not required for structural support may project into the required front, side or rear yards not more than a total of three (3) feet.
- B. Patios may be located in the required side and rear yards not less than twenty (20) feet to any rear property line and ten (10) feet to any side property line, and may project into front yards up to ten (10) feet.

501.7 Reduction of Required Area or Space

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

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

- A. **Development Standards** - Two (2) or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building or use if each were on a separate district lot, including but not limited to setbacks, parking, lot coverage, and sewage disposal requirements.
- B. **Residential Density** - For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this Ordinance. For example, the parcel size required for three (3) single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one (1) dwelling by a factor of three (3).
- C. **Non-Residential Uses** - In the case of non-residential uses, there shall be no limit on the number of uses or structures on a single parcel provided all other standards of this Ordinance are satisfied. This shall not apply to adult businesses, junkyards, natural resource uses, solid waste facilities and staging areas, or any other use with a lot size greater than listed in the Schedule of Development Standards, in which case the parcel size shall be increased to provide for the minimum land area for each use on the parcel.
- D. **Residential and Non-Residential on the Same Lot**
 - 1. R-1, R-2, and A-1 Districts - Residential dwellings provided for in the District by the Schedule of Uses shall be permitted on the same lot as a permitted non-residential use provided the lot is of sufficient size to meet the residential unit density required by this Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
 - 2. C-1 Districts - One residential unit per property shall be permitted in association with a non-residential use(s) without an increase in the minimum lot size requirement provided said unit is attached to and is an integral part of the principal non-residential structure. The residential unit shall be occupied only by the owner or manager of the non-residential use(s). Any additional residential dwelling units, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a non-residential use only if the lot is of sufficient size to meet the residential unit density required by this Zoning Ordinance in addition to the land area needed to meet the density requirement for the non-residential use.
- E. **Structure Separation** - Principal structures located on the same lot shall be separated by a distance at least equal to the height of the highest adjoining structure, but in no case less than twenty (20) feet. (Sec §503.1 for accessory structures.)

502.2 Street Frontage: Corner Lots

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

502.3 Clear View At Street Intersections

Visual obstructions at street intersection including, but not limited to, structures, opaque fences, vegetation and signs, (excluding an existing building, post, public utility structures, column or deciduous tree) thirty (30) inches in height

shall be prohibited on any lot within the triangle formed by the street right-of-way lines and a line drawn between points along the street right-of-way lines thirty (30) feet distant from their points of intersection. More restrictive standards shall be required in cases where intersection alignment, topography or other circumstances dictate same to maintain adequate clear view.

503 Accessory Structures and Uses

503.1 Accessory Structures

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

- A. **Unattached Accessory Structures** - All unattached accessory structures shall comply with yard requirements for principal structures. However, accessory structures which are not attached to a principal structure and do not exceed ten (10) feet in height and one-hundred and forty-four (144) square feet in total floor area shall not require a permit and may be erected within the required side and rear yards of a principal structure, provided that no side or rear yard is reduced to less than ten (10) feet on conforming lots and five (5) feet on nonconforming lots. In the case of corner lots, the full yard as specified in §502.2 shall be maintained.
- B. **Attached Accessory Structures** - An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

503.2 Fences and Walls

The erection of any fence or wall in all Districts shall not require a zoning permit, but shall be subject to the following provisions:

- A. All fences and walls shall comply with §502.3 of this Ordinance for clear sight triangles.
- B. No fence shall exceed a height of ten (10) feet.
- C. No solid fence exceeding six (6) feet in height shall be permitted in any residential district, nor in any front yard, nor between buildings or lots used for residential purposes in any district unless said fence meets the required setbacks for principal structures except as otherwise may be required by this Ordinance for swimming pools.
- D. Open fences may be erected in any yard to a height not exceeding eight (8) feet, provided the ratio of the solid portion to the open portion shall not exceed one (1) to four (4).

503.3 Home Occupations

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

- A. The home occupation must be conducted entirely inside a building and shall be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The total area used by all home occupations on the premises does not exceed twenty-five (25) percent of the gross floor area of the dwelling unit, including basement, and accessory structures.

- supplies, or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no evidence visible from outside the dwelling (show windows, business displays, advertising, etc.) that the residence is being operated as a home occupation except for a sign, if permitted, and required parking area.
 - F. The home occupation shall be conducted only by members of the family residing in the dwelling and not more than two (2) persons other than residents of the dwelling shall be employed on the premises.
 - G. Off-street parking shall be provided on the premises as required by this Ordinance to prevent parking on any public or private street right-of-way.
 - H. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
 - I. No goods or items for retail or wholesale sale shall be permitted except for items handmade or crafted on the premises or goods and items incidental to the operation of an approved home occupation with the total display and/or storage area limited to two hundred (200) square feet.
 - J. The use shall not require the parking or servicing by a vehicle with more than 26,000 pounds registered gross vehicle weight, except for deliveries of a maximum of two (2) time per day. The use shall not involve the parking of more than one (1) truck of any type on the lot or on adjacent streets at any period of time. The use shall not require servicing by, deliveries by or parking of tractor-trailer trucks.
 - K. One (1) non-illuminated sign with a sign face area not greater than two (2) square feet shall be permitted on each street frontage.
 - L. §701, Performance Standards, shall also apply to home occupations.
 - M. The following uses shall not be permitted as home occupations: adult businesses, treatment centers/clinics, commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops, retail sales, restaurants, funeral parlors or other uses not meeting the requirements of this §503.3.
 - N. The following types of uses shall be permitted as accessory uses:
 - 1. Professional offices for individual practitioners.
 - 2. Rooming and/or housing of not more than two (2) persons.
 - 3. Custom dressmaking or tailoring.
 - 4. Foster family care for not more than four (4) children simultaneously.
 - 5. Single practitioner barbershops or beauty parlors.
 - 6. Tutoring for not more than four (4) children simultaneously.
 - 7. Preparation of food for catering, but not including a catering hall.
 - 8. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises.
 - 9. Day care for ten (10) or less individuals simultaneously.
 - O. All applications for home occupations not specifically enumerated as permitted in §503.3,N or not specifically prohibited in §503.3,M shall be considered conditional uses.

503.4 Private Parking Areas and Garages

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

503.5 Home Gardening, Nurseries and Greenhouses

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

503.6 Private Outdoor Swimming Pools

Permits shall be required for all pools except wading pools as noted in §503.6.E and the following standards shall apply:

- A. A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests. Pools and decks shall comply with setbacks for accessory structures.
- B. A fence, wall or other enclosure not less than four (4) feet high and of a design to restrict access shall completely surround the area of any ground level swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.
- C. Above ground pools shall include a secure fence, wall or other enclosure a minimum of four (4) feet high above the surrounding ground level. This enclosure may include the walls of the pool itself. Such pools shall be equipped with an access ladder that can be raised and locked in a position so that it is a minimum of four (4) feet above the surrounding ground level or otherwise completely inaccessible to children when the pool is unattended.
- D. Access to all pools shall be restricted when the pool is not in use whether by fence, wall or integrated in the design of the pool. A pool cover shall not be deemed adequate to meet this requirement.
- E. A zoning permit or fence shall not be required for wading pools where the water does not exceed ten (10) inches in depth and which are not normally filled on a constant basis.
- F. The Township does not assume the responsibility of guaranteeing to the public that all pools comply with the provisions of this §503.6.

503.7 Temporary Uses

- A. Definition - A use accessory to another permitted principal use that operates at a fixed location for a temporary period of time.
- B. Zoning permit required - No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this §503.7 and other applicable provisions of this Ordinance shall have first been issued.
- C. Particular temporary uses permitted - The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
 1. Contractor's office and construction equipment sheds.
 - a. Permitted in any district where use is incidental to a construction project. Office or shed shall not

- contain sleeping or cooking accommodations.
 - b. Maximum length of permit shall be one (1) year.
 - c. Office or shed shall be removed upon completion of construction project.
 - d. Required water supply and sanitary facilities shall be provided.
2. Real estate sales office.
 - a. Permitted in any district for any new subdivision approved in accord with the Township Subdivision Ordinance. The office may not contain sleeping or cooking accommodations. A model home may be used as a temporary sales office.
 - b. Maximum length of permit shall be one (1) year with annual renewals.
 - c. The office shall be removed upon completion of the development of the subdivision.
 - d. Required water supply and sanitary facilities shall be provided.
3. Temporary shelter.
 - a. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
 - b. Required water supply and sanitary facilities must be provided.
 - c. Maximum length of permit shall be twelve (12) months, but the zoning officer may extend the permit for a period or periods not to exceed sixty (60) days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - d. The mobile home shall be removed from the property prior to issuance of any occupancy permit for the new or rehabilitated residence.
- D. Reserved.
- E. Temporary uses by Conditional Use - For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this Ordinance, a temporary permit may be issued by the Board of Supervisors as a conditional use of structures or uses that would not otherwise be permitted, subject to the following additional provisions:
 1. Duration. The Board of Supervisors shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of 7 days in any 60 day period. The Board of Supervisors may grant a single approval once for numerous occurrences of an event.
 2. Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
 3. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township. If the structure or use is not removed in a timely fashion after proper notification, the Township may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
 4. Conditions. The temporary use or structure shall: 1) be compatible with adjacent uses and 2) clearly be of a temporary nature.

5. Fee. The Township Board of Supervisors may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.
6. Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
7. Special Events. For a special event that will attract significant numbers of the public, the Board of Supervisors may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

F. Additional Regulations

1. Documentation must be provided to the Township that adequate arrangement for temporary sanitary facilities has been made.
2. All uses shall be confined to the dates specified in the permit.
3. Hours of operation shall be confined to those specified in the permit.
4. Access and parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained with a minimum of six (6) inches or as otherwise needed, of bank-run gravel or equal material.

503.8 Yard Sales

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

- A. Each individual property location may have a maximum of four (4) yard sales during any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
- B. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in Districts where permitted and in accord with the requirements of this Ordinance

503.9 Reserved

503.10 Stables, Private

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

503.11 Heliports as an Accessory Use

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

- A. Allowed only in the A-1 and C-1 District as a conditional use.
- B. The applicant shall document compliance with all applicable state and federal regulations.
- C. The landing pad shall be a minimum of two hundred and fifty (250) feet from any existing dwelling or any

residential district.

503.12 Freshwater Ponds

Any freshwater pond, including berms, constructed in association with any residential, agricultural or commercial use shall not be less than twenty-five (25) feet from any property line or public road right-of-way. However, no fence and no zoning permit shall be required.

503.13 Satellite Dish Antennas

All private satellite dish antennas shall be considered structures and shall maintain the setbacks required for accessory structures. A permit shall be required for such antennas; however, no fee shall be required.

504 Off-Street Parking and Loading

504.1 Availability of Facilities

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

504.2 Size and Design of Parking Spaces

Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. The net parking space per vehicle shall be not less than nine (9) feet wide and eighteen (18) feet long. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.

504.3 Lighting

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

504.4 Public Right-of-Ways

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

504.5 Reserved

504.6 Number of Spaces To Be Provided

- A. Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- B. For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.

- C. Additional parking for the handicapped shall be provided in accord with §504.16.
- D. Should the applicant provide evidence that the number of parking spaces required by this §504 is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%) provided sufficient and suitable area is dedicated to future parking to meet the normal standards in this §504 and the applicant shall agree in writing to install the parking at the direction of the Township Board of Supervisors. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction (See §504.12).

Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.

USE	PARKING SPACES REQUIRED
A. Dwellings of all types	2 per dwelling unit
B. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
C. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
D. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
E. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
F. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA

G. Educational, cultural religious social, fraternal uses	
1. Public schools	3 per classroom for elementary and middle schools; and 10 per classroom for high schools
2. Trade and vocational schools, colleges	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums, social, fraternal clubs and lodges; and similar uses	1 per 300 SFGFA open to the public
H. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Docking facilities	1 per every 3 slips
I. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
J. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
K. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
L. Warehousing and storage	1 per 4,000 SFGFA
M. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public

6. Post office	1 per 200 SFGFA open to the public
<p>Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.</p>	

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

504.7 Loading and Unloading Areas

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

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

504.8 Access To Off-Street Parking and Loading Areas

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

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

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

- B. **Controlled Access** - Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- C. **Highway Occupancy Permit** - A Township or State highway occupancy permit, as applicable, shall be

required for any new or escalated access to any public street or any other regulated activity within the right-of-way.

504.9 Parking and Loading Area Setbacks

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

- A. Measurement - The width of the buffer shall be measured from the curb line or the legal right-of-way line after development if no curbs will be provided.
- B. Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
 - 1. Paving except for approved driveway/access way crossings
 - 2. Fences
 - 3. Parking, storage or display of vehicles
 - 4. Items for sale or rent
- C. Uses Permitted - The buffer area may include the following:
 - 1. Permitted freestanding signs
 - 2. Pervious storm water facilities
 - 3. Approved driveway/access way crossings
- D. Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the paving.

504.10 Surfacing

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

504.11 Off-Lot Parking

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

504.12 Joint Use Parking

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

504.13 Landscaping

All improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:

- A. Buffer Areas - The buffer area between the parking area and the public street required by §504.9 shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery, and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure or a non-commercial district.
- B. Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
- C. Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Township. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- D. Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township.

504.14 Existing Parking Areas

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

504.15 Parking for Residential Use

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

504.16 Handicapped Parking

- A. Number of Spaces - Any lot including four (4) or more off-street parking spaces shall include a minimum of one (1) handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is established under the Federal Americans With Disabilities Act (ADA).

Total # of Required Spaces on Parking Lot	Required Minimum # of Handicapped Parking Spaces
4 to 25	1
26 to 50	2
51 to 75	3

Total # of Required Spaces on Parking Lot	Required Minimum # of Handicapped Parking Spaces
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 required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

- B. Location - Handicapped parking spaces shall be located where access to the use is via the shortest reasonable accessible distance. Curb cuts with an appropriate slope shall be provided as needed to provide access from the handicapped spaces.
- C. Minimum Size - Each required handicapped parking space shall be a minimum of eight (8) feet by eighteen (18) feet. In addition, each space shall be adjacent to an access aisle five (5) feet in width. Such access aisle may be shared by two (2) handicapped spaces by being placed between the spaces. One (1) of every eight (8) required handicapped spaces shall have an adjacent access aisle of eight (8) feet in width instead of five (5) feet.
- D. Slope - Handicapped parking spaces shall be located in areas of less than two (2) percent slope in all directions in accord with ADA requirements.
- E. Marking - All required handicapped spaces shall be well-marked by clearly visible signs and/or pavement markings.

504.17 Reserved

504.18 Parking of Commercial Vehicles

- A. Purpose - To prevent the character of residential areas from being harmed by nuisances, hazards and visual blight, and to prevent the establishment of junkyards in residential districts.
- B. Storage of Unregistered Commercial or Junk Vehicles.
 - 1. Definitions - For the purposes of this §504.18, the following terms shall have the following meanings:
 - a. Commercial Vehicle - A motor vehicle that has a gross vehicle weights of greater than eleven thousand (11,000) pounds and is primarily used for business purposes, including but not limited to making service calls, transporting equipment used in a business or in accomplishing physical work as part of a business (such as hauling material.)

- b. Tractor of a Tractor-Trailer - A truck with a minimum of three (3) axles that is primarily intended to pull a trailer, as defined below, and not primarily to carry goods itself.
- c. Trailer of a Tractor-Trailer - A commercial vehicle with a length of 20 feet or more that is not self-propelled, that is intended to haul materials, vehicles, goods, gases or liquids and that is intended to be pulled by a tractor (as defined above), and that is not a "recreational vehicle."

2. Commercial Vehicles in R-1 and R-2 Districts

- a. In a residential district, a maximum of two (2) "commercial vehicles" (as defined above) may be parked for more than eight (8) hours in any forty-eight (48) hour period on private property. Such vehicles shall be permitted only if used by residents of the property as a means of transportation between their home and work. No commercial vehicle in a residential district shall have a gross vehicle weight of over fifteen thousand (15,000) pounds if parked outside of an enclosed building, except that one (1) such vehicle may be parked if the occupant of the dwelling is employed as the driver of the vehicle.
- b. In a residential district, the engine of a tractor of a tractor-trailer shall not be idled for more than 10 minutes on the property between the hours of 10 p.m. and 6 a.m. or be repaired, except for clearly emergency repairs.
- c. No trailer of tractor-trailer shall be parked, stored, maintained or kept in a residential district.
- d. See the requirements of the State Motor Vehicle Code that require vehicles parked on a public street to have current registration.

3. Exceptions - This section does not apply to the following, provided they are in an operational condition:

- a. Municipally-owned vehicles
- b. Ambulance, fire and rescue vehicles
- c. Buses used primarily for transporting public or private school children to and from school or transporting persons to or from a place of worship
- d. Recreational vehicles - a maximum of two (2)
- e. Vehicles operated by the U.S. Postal Service or a level of government or a Municipal Authority
- f. Vehicles actively engaged in the construction or repair of buildings, streets, curbs, sidewalks, rehabilitation or utilities in the immediate area
- g. Vehicles actively engaged in making routine household deliveries or rendering routine household services to a property that is adjacent or on the same lot as the vehicle is parked.
- h. Equipment and vehicles clearly primarily intended for agricultural use
- i. Parking of vehicles that is customarily accessory to a lawful non-conforming principal business use.

ARTICLE VI - RESIDENTIAL STANDARDS**601 Land Conservation Overlay District (DEVELOPER'S OPTION)****601.1 Intent**

By providing an optional form of development, the Land Conservation Overlay District is intended to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the Township which stimulated the past residential development, and continues to attract second home residents, and increasingly, permanent residents. Without the careful consideration of the development process established by the standards of the Land Conservation Overlay District, many of these significant land features would be lost to the effects of conventional residential development. As compared to land conservation development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the Township, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family and multi-family residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, provide privacy and community identity, and provide for connecting greenways of preserved open space between developments for conservation and recreation uses..

Specific objectives of the Land Conservation Overlay District are as follows:

- A. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- C. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- D. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- E. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- F. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
- G. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- H. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

- I. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
- J. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- K. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
- L. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

601.2 District Application

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

601.3 Land Uses Permitted as Conditional Uses, Density, and Open Space

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

A. Dwellings and Density Bonus

1. On tracts of eight (8) acres or more, the following dwelling types are permitted in accord with the standards of this §601:
 - a. Standard single-family detached dwellings.
 - b. Lot-line houses (see definition).
 - c. Two-family dwellings if permitted in the district.
 - d. Multi-family dwellings if permitted in the district.

Overall density for all dwelling type shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with Article III this Zoning Ordinance, and a density bonus of fifteen (15) percent shall be applied. (See §601.4,B and §601.7 for density determination, and §601.7,C for soil based sewage disposal bonus.)

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

2. On tracts of less than eight (8) acres, standard single-family detached dwelling subdivisions are permitted in accord with the standards contained in Article III of this Zoning Ordinance.

No density bonus shall be applied. Overall density shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with

Article III.

Common open land shall not be required, but may be provided at the option of the developer. In no case shall any such open land be less than one-half (0.5) acre in size. All open lands shall be contiguous and shall be of such composition and configuration, as determined by the Township, to assure that the open land is useable for recreation. The Township may also require the reservation of trail easements through the development for connection with existing adjoining or planned trail networks.

B. Open Land Uses

Open land which comprises a part of a residential development approved in accord with the requirements of this §601 shall be used only in accord with the requirements of this §601 and Article VIII-A of this Zoning Ordinance.

C. Non-Residential Uses

The following non-residential uses shall be permitted on parcels of ten (10) acres or more provided such uses are permitted in the district by the Schedule of Uses:

1. Agricultural activities of the following types:
 - a. Cultivation, harvesting, and sale of crops and related farm products;
 - b. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
 - c. Orchards, nurseries, greenhouses, and related horticultural activities.
 - d. Other similar agricultural uses.
2. Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.
3. Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.
4. Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or bridal trails, picnic areas, playing fields, and similar uses.

D. Accessory Uses

Accessory uses on the same lot as the principal use shall be permitted as set forth in Article III for Residential Districts.

601.4 Project Design Process

The design process included in this §601 is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*.¹ Open land development plans will be reviewed by the Township using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.

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

A. Inventory and Analysis

A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Open Land Development proposed in accord with this §601. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this §601.4. The final determination and designation of Secondary Conservation Areas shall be made by the Township as part of the project review and conditional use process.

In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Township relative to the intent of the Land Conservation Overlay District.

1. Physical Resources

Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]

- a. Topographic contours at intervals of five (5) feet, showing rock outcrops and slopes of twenty-five (25) percent or more.
- b. Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Lackawanna County Soil Survey published by the U.S. Department of Agriculture.
- c. Hydrologic characteristics of the tract, including streams, lakes and ponds, floodplain and hydric soils.
- d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.

2. Land Use

Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.

3. Visual Resources

Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

4. Cultural and Historic Resources

The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.

5. Area Context

General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.

6. Conservation Areas

The following conservation areas shall be clearly identified on the site analysis plan:

- a. Primary Conservation Areas shall include: (See definition of *conservation area, primary*.)
 - 1) Wetlands
 - 2) Land within the 100 year floodplain
 - 3) Land with a slope of twenty-five (25) percent or more
 - 4) Land within one-hundred (100) feet of any pond, lake or stream
- b. Secondary Conservation Areas shall include: (See definition of *conservation area, secondary*.)
 - 1) Aquifer recharge areas
 - 2) Areas with highly permeable soil
 - 3) Land within twenty-five (25) feet of wetlands
 - 4) Natural drainage ways
 - 5) Major rock outcrops and other unusual geologic features
 - 6) Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Soil Conservation Service
 - 7) Historic resources
 - 8) Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract

B. Useable Land Area - Determination of Base Dwelling Unit Density

The developer shall have the option of determining the useable land area and base dwelling unit density permitted for the tract by using the formulas set forth in this Ordinance; or, by preparing a "yield plan" in accord with this section. The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density.

1. Formula Method

The useable land area and base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density for single-family dwellings as set forth in Article III of this Ordinance in accord with the zoning district location and type of water and sewage disposal.

- a. Land within public rights-of-way.
- b. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
- c. Wetlands.
- d. Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
- e. Land with a slope of twenty-five (25) percent or more.
- f. Any pond or lake more than two (2) acres in size.
- g. Land contained within the boundaries of easements for overhead electricity, telephone, or cable

television service.

2. Yield Plan Method

A yield plan consists of conventional lot and street layouts conforming to Township standards for residential developments not using open land design. The said standards shall include lot sizes and dimensions, street design, storm water control, sewage disposal, and other applicable standards of this ordinance and the Township Subdivision Ordinance. Although a yield plan is intended to be conceptual and is not intended to involve significant engineering costs, the plan must be sufficiently detailed to show legitimate, potential lots and house sites at locations not limited by Primary Conservation Areas. The final determination of the useable land area and base dwelling unit density for the tract shall be made by the Township.

C. Conceptual Sketch Plan -- Conditional Use Application

Following the determination of the number of residential units permitted, the developer shall submit to the Township a conceptual sketch plan. The application shall be considered the conditional use application for the project.

The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Township by the developer, and incorporating the design standards contained in this §601:

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

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

D. Conceptual Sketch Plan/Conditional Use Review Process

Upon receipt of a complete application, the Planning Commission shall notify the Township Board of Supervisors of the same. The Planning Commission shall schedule a joint meeting with the developer and the Board of Supervisors to review the sketch plan. Subsequent to, or as part of the said meeting, the Planning Commission and Board of Supervisors shall conduct an inspection of the tract. A joint public hearing shall be conducted by the Planning Commission and Board of Supervisors, in accord with the notice requirements of the PA Municipalities Planning Code. Upon completion of its review, the Planning Commission shall make its recommendation for action on the proposal to the Board of Supervisors, who shall approve, approve with conditions, or reject the conceptual sketch plan, which shall constitute action on the conditional use application.

(Note: The construction of individual dwelling units and other buildings in any project approved in accord with this §601 shall require a zoning permit prior to construction; however, a conditional use permit shall not be required.)

If approved by the Township, the conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan and the applicant shall not be authorized to make application for subdivision/land development approval until conceptual sketch plan/conditional use approval has been granted. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Township.

E. Subdivision/Land Development Plan

Following Township approval of the conceptual sketch plan (conditional use), the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with the requirements of the Township Subdivision and Land Development Ordinance. In addition to the information required by the Subdivision and Land Development Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Township review and action on the subdivision/land development plan shall not begin until such time as a complete application is submitted in accord with the Township Subdivision and Land Development Ordinance.

601.5 Open Land Standards

A. Percentage of Open Land

Not less than fifty (50) percent of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the following areas from the total parcel size.

1. Land within public rights-of-way.
2. Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
3. Wetlands.
4. Land within the 100-year floodplain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
5. Land with a slope of twenty-five (25) percent or more.
6. Any pond or lake more than two (2) acres in size.
7. Land contained within the boundaries of easements for overhead electricity, telephone, or cable television service;

B. Composition of Open Land Area

The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year floodplain, or land with a slope of twenty-five (25) percent more. Not less than fifty (50) percent of the open land shall be accessible to the residents of the Open land development, and such access shall be preserved in perpetuity in accord with Article VIII-A of this Ordinance.

C. Uses Permitted on Open Lands

The following uses shall be permitted in open land areas:

1. Conservation of open land in its natural, unaltered state.
2. Agricultural uses, including raising of crops or livestock, and farm buildings.
3. Neighborhood open land as specified in §601.6.C.
4. Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
5. Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts,

meeting the setback requirements of §601.7,D of this Ordinance. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.

6. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
7. Pasture for recreational horses not associated with a commercial operation as otherwise permitted for the district.
8. Easement for drainage, access, sewer or water lines, utilities or other essential services.
9. Storm water management facilities for the proposed development, or for a larger area if required for compliance with the requirements of the Township's Storm Water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.
10. Parking areas of ten (10) or fewer spaces to serve active recreation facilities.
11. Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.
12. Estate lots meeting the following standards:
 - a. A minimum size of ten (10) acres shall be required, of which a maximum of one (1) acre may be developed with a single-family dwelling and customary accessory uses and this requirement shall be recorded as a restrictive covenant on the lot. Only the undeveloped portion of the estate lot shall be used to meet the open land requirements of this §601.
 - b. The one (1) acre of permitted developed area shall include any portion of the lot which is disturbed or which is not used for agricultural purposes; that is, all dwellings, accessory buildings and structures, paved areas, lawns and gardens, etc.
 - c. The developed area of the lot shall meet the neighborhood setback standards set forth in §601.6 of this Ordinance with the exception of agricultural use setbacks.
 - d. Estate lots shall be restricted by permanent easement against further subdivision.
 - e. Dwellings on estate lots shall be counted toward the maximum density permitted on an Open land development tract.
 - f. Dwellings on estate lots shall be sited in accord with the same design principles as neighborhoods set forth in §601.6 of this Ordinance. Specifically, dwellings shall not encroach on primary and secondary conservation areas.
 - g. Access to the estate lot may be limited to the owner of the said lot.

D. Uses Prohibited on Open Lands

The following uses shall be prohibited in open land areas:

1. Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.

2. Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.
3. Any other use not specifically permitted in §601.5,C above.

E. Open Land Development Design Standards

The Township, in considering a proposed open land development and determining compliance with the intent and standards of this §601, shall evaluate the layout of lots and open land in accord with the design standards contained in this §601.5,E. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Open Land Development and those site features which are most significant shall be made by the Board of Supervisors.

1. The Open Land Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Township.
2. Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
3. Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Open Land Development plan, and show how the same will be mitigated.
4. Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Open Land Development.
5. In cases where smaller open land parcels are necessary, no such parcel shall be less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.
6. The potential for interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.
7. Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the Open Land Development.
8. Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices.
9. In order to protect the rural character of the Township, the design of the Open Land Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.

10. The preservation of any identified historic resources shall be incorporated into the design of the Open Land Development.
11. Any proposed active recreation areas shall be suitably located for convenient access by residents of the Open Land Development.

601.6 Neighborhood Design Standards

The purpose of the neighborhood design standards is to create compact groupings of homes located to blend with the existing landscape, such as the rise and fall of the topography of the site, hedgerows, agricultural land and woodland, and preserve to a greater extent the visual character of the landscape; thereby maximizing the preservation of open land and the overall rural character of the community. The standards in this §601.6 shall apply to all residential developments in neighborhoods in the Open Land Development District. Separate standards are provided in this Ordinance which shall apply to residential development of tracts of less than ten (10) acres, estate lots and residential development permitted by conditional use.

A. General Design Standards

The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

1. Neighborhoods shall not be located on primary conservation areas and shall be prohibited on any secondary conservation areas designated by the Township as significant conservation areas.
2. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than malleable elements that can be changed to meet a particular, preferred development design.
3. Views of neighborhoods from exterior roads shall be minimized by the use of topography, existing vegetation, new landscaping or other design elements.
4. The orientation of individual building sites shall maximize the maintenance of existing topography and vegetative cover.
5. Streets shall be designed to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and, to preserve and enhance views and vistas on or off the project parcel.
6. The preservation of any identified historic resources shall be incorporated into the design of neighborhoods in the Open Land Development.

B. Specific Standards

The following general standards shall be applied to all neighborhoods proposed as part of the Open Land Development:

1. All dwelling units shall be grouped in neighborhoods which should contain at least five (5), but no more than twenty-five (25) units. The number of units in a neighborhood can be increased or decreased provided the developer can demonstrate to the satisfaction of the Township that the proposal is more appropriate to the project parcel and meets the intent and other design standards of this §601.
2. An Open Land Development plan may contain one (1) or more neighborhoods.
3. Neighborhoods are defined by the outer perimeter of the contiguous lotted areas and may contain lots,

roads and neighborhood open land.

4. Neighborhoods are further defined, surrounded and separated by designated open land areas in order to provide direct access to open land and privacy to individual yards. Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway in accord with §601.6,C which follows and meets the setback requirements in §601.7 of this Ordinance.
5. All lots in a neighborhood shall generally have access from only an interior development road and not from any road exterior to the project parcel.
6. Not less than three-fourths (0.75) of the lots in a neighborhood should abut neighborhood open land or other open land (directly or across a road) to either the front or rear for a distance of not less than thirty (30) feet.
7. The outer boundaries of each neighborhood shall meet the setback requirements in §601.7 of this Ordinance
8. All lots in a neighborhood shall be restricted by permanent easement against further subdivision.

C. Neighborhood Open Land Standards

A neighborhood with ten (10) or more residential units shall provide neighborhood open land at a minimum rate of one-thousand (1,000) square feet per unit in accord with the following standards: The neighborhood open land shall

1. Be central to the neighborhood it serves.
2. Have a minimum road frontage of one-hundred (100) feet, and a minimum average width of thirty-five (35) feet.
3. Shall be configured as a commons or parkway.
 - a. A commons shall be located in a central position in the neighborhood and shall be surrounded by streets and/or building units on at least three (3) sides; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
 - b. A parkway is a narrow strip of open land surrounded by roads on all sides, and is generally intended for a smaller neighborhood; and, shall be designed and landscaped as an area for use by residents of the neighborhood.
4. May contain storm water detention basin or parking areas, but the said basins and areas shall not be included in the required minimum neighborhood open land size (i.e., the 1,000 sq. ft. per unit).
5. Count toward meeting the overall open land requirements of the Open Land Development.

601.7 Density and Dimensional Standards

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

A. Dwellings

The standards in Table 601-1 shall apply to all dwelling units in neighborhoods. Maximum density shall be calculated using the base dwelling unit density determined in §601.4,B.

TABLE 601-1 DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS	
Maximum density -- calculated using the useable land area and base dwelling unit density determined in §601.4,B multiplied by the applicable density factors established in §601.3,A,1 and §601.7,C.	
Minimum lot size	
single-family house	10,000 square feet
lot line house	6,000 square feet
two-family dwelling	15,000 square feet
townhouse	1,000 square feet
garden apartments	based on performance standards
apartment building	based on performance standards
Minimum lot width at the house location	
single-family house	70 feet
lot line house	50 feet
two-family dwelling	80 feet
townhouse	18 feet
garden apartments	based on performance standards
apartment building	based on performance standards
Minimum lot depth to width ratio	
townhouses	5:1
all other dwelling types	3.5:1
Minimum street frontage	
single-family house	20 feet
lot line house	20 feet
two-family dwelling	40 feet
townhouse	18 feet
garden apartments	based on performance standards
apartment building	based on performance standards
Minimum front and rear yard setback	
all dwelling types	20 feet front / 25 feet rear
Minimum side yard setbacks (each yard)	
single-family house	15 feet
lot line house	0/15 feet*
two-family dwelling	10 feet
townhouse end units	15 feet
garden apartments	15 feet
apartment building	20 feet
*A lot line house requires a five-foot (5') wide maintenance easement on the lot adjacent to the "zero" side yard. In the alternative, a side yard five (5) feet wide may be provided.	

TABLE 601-1 DENSITY AND DIMENSIONAL STANDARDS FOR DWELLINGS WITHIN NEIGHBORHOODS	
Maximum lot coverage (% of lot area)	
single-family house	40%
lot line house	40%
two-family dwelling	30%
townhouse	45%
garden apartments	45%
apartment building	45%

TABLE 601-2 DENSITY AND DIMENSIONAL STANDARDS FOR SINGLE FAMILY DETACHED DWELLINGS ON ESTATE LOTS AND NON-RESIDENTIAL USES	
Minimum lot size:	
on tracts of 10 to <20 acres	5 acres
on tracts of 20 acres or more	10 acres
Maximum developed area	1 acre
Maximum lot depth:width ratio*	4:1
Minimum front yard**	40 feet
Minimum side yard** (1 side/total of both)	25/60 feet
Minimum rear yard**	40 feet
Maximum lot coverage	20% of developed area
*Lot width-to-depth ratio may be adjusted by the Township as part of the conditional use process to allow for flexibility of design in cases where the developer can demonstrate that the configuration of the project parcel makes the strict application of the ratio impractical; and provided any adjustment does not compromise the intent of this §601.	
** setbacks pertain to developed area of lot	

B. Estate Lots and Non-Residential Uses

The standards in Table 601-2 shall apply to all single-family dwellings on estate lots. These standards shall also apply to any non-residential uses permitted in accord with §601.3,C which involve any building on site.

C. Reserved

D. Neighborhood Setbacks

The outer boundaries of all neighborhoods shall meet the setbacks in Table 601-3. The outer boundary is defined by the perimeter of the individual building lots abutting the open land, or of roads adjacent to the front of the said lots. Neighborhood setbacks may be reduced to fifty (50) percent of the requirement in the above by the Township as part of the conditional use process to allow for flexibility of design provided the developer can demonstrate that:

1. The configuration of the project parcel makes the strict application of the setbacks impractical
2. The reduction does not compromise the design standards of this §601; the overall intent of this Zoning Ordinance, or the applicable goals of the comprehensive plan.
3. In the case of exterior roads, existing vegetation and/or topography form an effective visual buffer along the subject road.

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

E. Building Envelopes

Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:

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

601.8 Water Supply and Sewage Disposal

A. Water Supply

All lots in neighborhoods may be served by a community (off-site, central) water supply and distribution system with such volume and pressure to provide adequate serve in accord with accepted engineering practice, the Township Subdivision and Land Development Ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, all multi-family dwellings and dwellings on lots less than one-half (0.5) acre shall be served by a community water system.

B. Sewage Disposal

All lots shall be provided with adequate sewage disposal facilities consistent with the Township Official Sewage

Facilities Plan and meeting the requirements of the Township Subdivision and Land Development Ordinance and the PA DEP. All multi-family dwellings shall be served by a community sewage disposal system. All dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located on open lands.

Preferred sewage disposal alternatives, which are granted a density bonus in accord with §601.7,C of this Ordinance include:

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

In the case where soil based methods are not practical, a community (off-site, central) system with a surface water discharge may be employed, but no density bonus shall be granted.

601.9 Reserved

601.10 Phasing

Development in the Land Conservation Overlay District may be phased by sections, and estate lots may be subdivided prior to neighborhood development in accord with a unified development plan for the entire tract and the following requirements:

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

601.11 Open Land, Recreation Land, and Common Facilities -- Ownership and Maintenance

All areas of an Open Land Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Open Land Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by Article VIII of this Ordinance.

602 Two Family Dwellings

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this §602 and

other applicable standards in this Ordinance.

602.1 Common Wall

In cases where a two-family dwelling is a duplex involving a common (i.e. party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. Minimum lot size and dimensions shall comply with the Schedule of Development Standards in Article IV of this Zoning Ordinance.

602.2 Over/Under Units

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

602.5 Conversions -- See §604 of this Ordinance.

603 Multi-Family Dwellings

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

603.1 Procedure

Multi-family projects shall be considered major subdivisions and land developments subject to the Township Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township Planning Commission in the manner provided in the Subdivision Ordinance. The developer shall also submit all information required by said Ordinance in addition to the following additional information:

- A. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- B. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for cluster residential development in §601.4 of this Ordinance.
- C. Procedure - The application package shall be processed on a schedule concurrent with requirements for review and approval of other Preliminary Plans pursuant to the Township Subdivision Ordinance.

603.2 Project Design Process: Bulk and Density Standards

All multi-family projects shall be planned and designed in accord with the process for open land residential development in accord with §601.4 of this Ordinance using the density factors in this §603. All land proposed for a particular

multi-family dwelling project shall be part of the same parcel and contiguous. The standards in Table 603.2 shall apply.

603.3 Design Criteria

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

- A. **Setbacks** - No structure in a multi-family project shall be constructed within twenty (20) feet of the edge of the shoulder of any access road to or through the development or within ten (10) feet of any parking area. A setback of fifty (50) feet shall be maintained from all existing or proposed public road rights-of-way and from project parcel property lines.
- B. **Road Standards** - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads.
- C. **Building Separation** - All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than twenty (20) feet.

STANDARD	Garden Apartments	Townhouses	Apartment Buildings	Two-Family Dwellings*
Minimum size for project parcel (acres)	3	5	2	5
Density - minimum square feet of land area per dwelling unit	12,500	12,500	10,000	12,500
Maximum number of DU's per building	12	8	none	not applicable
Maximum building height stories feet	2.5 35	2.5 35	2.5 35	2.5 35
Maximum lot coverage of project parcel (%)	30	30	50	30
Maximum lot coverage for individual townhouse parcels (%)	not applicable	45	not applicable	not applicable

DU = dwelling unit.
*As part of a multi-family project (See definition of *multi-family project*.)

- D. **Buffers** - Buffers, not less than fifteen (15) feet in width shall be provided in accord with §701.1 of this Ordinance where multi-family structures adjoin existing one-family dwellings, two-family dwellings or any R-1 District. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.
- F. **Pedestrian Access** - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision Ordinance.
- G. **Trash Storage** - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.

- H. Architectural Renderings - Preliminary architectural renderings, models or photos should be provided for multi-family projects of more than ten (10) dwelling units
- I. Townhouses - The following additional standards shall apply to townhouses:
1. Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses. This can be met by varying setbacks between an attached garage and a dwelling, or varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
 2. Width - Each townhouse dwelling unit shall have a minimum width of eighteen (18) feet.

603.4 Non-Residential Use

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

603.5 Conversions of Existing Structures

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

603.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Article X of this Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

603.7 Water Supply and Sewage Disposal

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

604 Conversion to Dwellings

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

605 Group Homes

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

605.1 Definition

See definition in Article III.

605.2 Supervision

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

605.3 Certification

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

605.4 Registration

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

605.5 Counseling

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

605.6 Parking

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

605.7 Appearance

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

605.8 Bulk and Density

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

605.9 Number of Residents

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

- A. Single Family Detached Dwelling with minimum lot area of two (2) acres and minimum building setbacks from all "residential lot lines" of fifteen (15) feet: eight (8) total persons.
- B. Any other lawful dwelling unit: six (6) total persons.

605.10 Visitors

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

606 Assisted Care Dwelling Unit for Relative

606.1 Accessory Use Permit

A temporary dwelling unit for the care of a relative, defined as an *Assisted Care Dwelling Unit for Relative* by this

Ordinance, shall be considered an accessory use and all applicable zoning permits shall be required. In addition, a renewable accessory use permit shall be required which shall be renewed annually provided all requirements of this Zoning Ordinance are met. Prior to renewal of the permit the Zoning Officer shall confirm that the *relative* status of the occupant(s) of the accessory unit has not changed. In any case, the occupants of the principal dwelling unit shall immediately report to the Zoning Officer any change in the occupancy status of the accessory unit and the timetable for the elimination of the unit.

606.2 Application Requirements

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

606.3 Subdivision and Land Development Requirements

Approval under the Township Subdivision and Land Development Ordinance shall not be required for accessory units for the care of a relative meeting the definition of *Assisted Care Dwelling Unit for Relative* and the requirements of this Ordinance.

606.4 Occupancy — Care Requirement

The accessory unit shall be restricted to occupancy by a "relative" (as defined by Article II of this Zoning Ordinance) of a permanent resident of the principal dwelling unit on the property. Such relative shall need care and supervision because of old age, disability, handicap or illness as documented by a letter from a licensed medical doctor. Such accessory unit shall be permitted only where the relative requiring the care occupies the accessory unit located on the parcel of the care provider.

606.5 Sewage Disposal

The accessory unit may be connected to the existing sewage disposal system provided the Township Sewage Enforcement Officer (SEO) confirms that the system is in good operation condition and any prior malfunctions have been corrected. All applicable permits and approvals for the connection, modification or installation of any sewage facilities necessary to accommodate the accessory unit shall be required. Sewage flows from the accessory unit shall not exceed four hundred (400) gallons per day. The confirmation by the SEO shall not place any liability on the Township or the SEO for any future sewage malfunction nor relieve the property owner from the responsibility of correcting any such malfunction.

606.6 Bulk and Density Requirements: Mobile Homes

All standards for setbacks, lot coverage, building height and other bulk requirements shall apply and any accessory mobile home shall be not less than twenty (20) feet from the principal dwelling. Mobile homes shall be permitted only in the R-2 District. The accessory unit may be installed on any lot provided all bulk requirements can be met.

606.7 Unit Design

The accessory unit, if attached to the principal unit, shall be designed and installed in such a way that it can easily be reconverted into part of the principal dwelling unit after its use as an assisted living unit is discontinued; or in the case of a mobile home, can be easily removed from the property. Any such attached unit shall not detract from the single family residential exterior appearance of a dwelling. Unattached accessory units shall be limited to mobile homes only.

606.8 Removal of Unit

Once the accessory unit is no longer occupied by the relative requiring care, the dwelling shall be reconverted into part of the principal dwelling unit or be completely removed within ninety (90) days, and such unit shall not be occupied in the interim. The time for removal may be extended by the Board of Supervisors upon petition by the property owner.

for good cause. When any unit permitted under this §606 is required to be removed, there shall be no physical evidence visible from exterior to the lot lines that such unit existed, other than possibly the expanded size of the dwelling.

607 Mobile Home Parks

Mobile home parks are considered conditional uses in the R-2 District and shall comply with the requirements of this §607 and the applicable standards in the Township Subdivision and Land Development Ordinance as amended. In cases where the standards in this §607 and the Subdivision and Land Development Ordinance conflict, the standards in this §607 shall apply.

607.1 Procedures

A mobile home park or expansion of a mobile home shall be considered a land development as defined by the Pennsylvania Municipalities Planning Code and a conditional use application for the development of a mobile home park shall be processed in accord with all the procedures established by the Township Subdivision Ordinance for major subdivisions and land developments in addition to the requirements of this Ordinance.

607.2 Parcel Size; Density; Mobile Home Sites

The minimum parcel size for a mobile home park shall be five (5) acres and the overall density of a mobile home park shall not exceed four (4) units per acre. Each mobile home site shall have a minimum area of three thousand (3,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall be forty-five (45) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

607.3 Slope

The longitudinal gradient and cross slope of any mobile home lot shall not exceed five (5) percent, except for terracing at the periphery, and the minimum slope in any direction shall be one (1) percent.

607.4 Mobile Home Placement

Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning.

- A. **Stability** - The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- B. **Anchors** - The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadman", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner and at twenty-foot intervals along the sides of the mobile home, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.
- C. **Skirting** - All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material.
- D. **Setbacks** - Each mobile home shall be located not less than twenty (20) feet from the curb or edge of shoulder of any park street, and from any building or other mobile home; nor less than ten (10) feet from any side or rear mobile home lot line.

607.5 Soil and Ground Cover

All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued

soil protection.

607.6 Storm Water/Drainage

Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites.

607.7 Buffers and Screening

A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than seventy-five (75) feet to any public road right-of-way or closer than fifty (50) feet to any other exterior property line. All mobile home parks shall be required to provide screening such as fences, or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained at all times.

607.8 Streets, Parking and Access

- A. Streets - Mobile home park streets shall be provided, designed and constructed in accord with the standards for mobile home park streets in the Township Subdivision Ordinance.
- B. Parking - Parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be paved with a minimum six (6) inches depth of select material approved by the Township Engineer.
- C. Access - There shall be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive.
- D. Lot Frontage - Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.
- E. Illumination - All mobile home parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- F. Curbs and Gutters - Curbs and sidewalks shall be provided and constructed according to the basic standards of the Township Subdivision and Land Development Ordinance, however, curbs may be the rolled type and the width of sidewalks may be reduced to three (3) feet.

607.9 Recreation Area

A common recreational area of land, consisting of twenty (20) percent of the total area of the park shall be maintained within the park for the common use of park residents only. This area shall generally be suitable for active recreation and shall be of suitable configuration, with less than ten (10) percent slope and free of hazards to permit recreational use. Fifty (50) percent of this area shall be designed, equipped and properly maintained for active recreational use in

the mobile home park. Plans for development of the recreational area and facilities shall be submitted by the applicant for approval by the Township.

607.10 Landscaping and Outdoor Living Requirements

- A. Landscaping - Screen planting shall be provided to adequately and effectively screen objectionable views within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Township. All landscaping and associated vegetation shall be maintained in a good and healthy condition.
- B. Private Area - Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with the smallest dimension of eight (8) feet.

607.11 Non-Residential Uses

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

607.12 Water Supply and Sewage Disposal

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

608 Mobile Homes on Individual Lots

Mobile homes placed on lots not in a mobile home park shall be permitted only in the R-2 District, and shall comply with all Township regulations applicable to single-family residential dwellings.

609 Reserved

610 Bed and Breakfast Establishments

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

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

611 Hotels, Motels, and Lodging Facilities

This section is intended to provide specific conditional use standards for the development of hotels, motels and other lodging facilities at unit densities that allow full use of the project parcel while at the same time recognizing the

limitation of the proposed site. Specific performance standards are provided to allow for flexibility of design and to insure the protection of adjoining properties and the public health, safety and general welfare. Hotels, motels and lodging facilities are considered conditional uses in certain Districts as set forth in the Schedule of Uses.

611.1 Density

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

611.2 Design Criteria

- A. Yard, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.
- B. In cases where the project parcel adjoins an existing dwelling or R-1 or R-2 District, setbacks shall be increased to one hundred (100) feet.
- C. All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the District where the subject property is located.

**ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION**

701 Performance Standards Applicable to All Non-Residential Uses in All Districts

The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements of this Ordinance, including the standards in this §701 which are intended to limit nuisance elements. The following performance standards shall apply to all proposed new or expanded uses. The standards in this §701 shall not apply to agricultural uses and forestry enterprises unless explicitly referenced by a specific section.

701.1 Yards and Buffers

Unless otherwise regulated by this Ordinance, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R-1 or R-2 District the minimum size of the abutting yard shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this §701.1.

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

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

701.2 Landscaping

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

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

701.3 Operations and Storage

All facilities and operations of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building. Unenclosed uses and activities shall be a minimum of one hundred (100) feet from any existing residential structure or any R-1 or R-2 District. The Township may, for conditional uses or special exceptions, require larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.

701.4 Fire and Explosion Hazards

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

701.5 Radioactivity or Electric Disturbance

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

701.6 Noise

The maximum sound pressure level radiated by any use or facility at any lot line shall not exceed the values in the designated octave bands listed in Table 1, after applying the corrections shown in Table 2. The sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, Inc., as designated by the Board of Supervisors.

- A. **Maximum Levels** - Maximum permissible sound pressure levels at the lot line for noise radiated continuously from any facility or activity between the hours of 9:00 p.m. and 7:00 a.m. shall be as listed in Table 1.
- B. **Corrections** - If the noise is not smooth and continuous, and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., one (1) or more of the corrections in Table 2 shall be applied to the decibel levels in Table 1.

Frequency Band (cycles/second)	Sound Pressure Level (decibels re 0.0002 dyne/cm)
20-75	69
76-150	60
151-300	56
301-600	51
601-1,200	42
1,201-2,400	40
2,401-4,800	38
4,801-10,000	35

Type of Operation OR Character of Noise	Correction in Decibels
Day time operation only	+ 5
Noise source operation less than: a. 20% of any one-hour period b. 5% of any one-hour period c. 1% of any one-hour period	a. + 5* b. +10* c. +15*
Noise of impulsive character (hammering, etc.)	-5
Noise of periodic character (hum, scream, screech, etc.)	-5
* Apply only one of these corrections.	

- C. **Exemptions** - The maximum permissible sound levels of this §701.6 shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 6:00 p.m., except for emergency repairs which shall not be restricted by time.
3. Household power tools and lawn mowers between the hours of 7:00 a.m. and 9:00 p.m.
4. Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 6:00 p.m., except for emergency repairs which shall not be restricted by time.
5. Agricultural activities, but not exempting kennels.
6. Motor vehicles when used on public streets in accord with state regulations.
7. Railroads and aircraft.
8. Public celebrations, specifically authorized by the Township, the County, state or federal government body or agency.
9. Unamplified human voices.
10. Routine ringing of bells or chimes by a place of worship or municipal clock.

- D. Professional Studies and Costs - If a District justice determines that professional analysis is required to enforce this §701.6 for a particular situation, the owner shall reimburse the Township for such reasonable costs of such analysis. In addition, the Zoning Officer may base a determination under this §701.6 on a written study prepared and certified by a qualified professional and submitted by an affected party. Any such study shall state the methods used and the credentials of the involved professional(s).

701.7 Vibration

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

701.8 Lighting and Glare

Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

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

- F. Height - The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building.
- G. Type - The use of mercury vapor lighting shall be prohibited.
- H. Flashing - Flashing, flickering or strobe lights are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

701.9 Reserved

701.10 Odors

In the C-1 District, odors shall meet DEP Regulations on Odor Emissions. See Chapter 25 Section 123 of the Pennsylvania Code. In all other districts, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

701.11 Other Forms of Air Pollution

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

701.12 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Township may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Township. The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies.

701.13 Storm Water Management and Soil Erosion Control

A Storm water management plan and soil erosion control plan may be required by the Zoning Officer, Planning Commission, Board of Supervisors or Zoning Hearing Board, as the case may be, for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in the Township Subdivision Ordinance or other applicable Township regulations and County Conservation District standards and shall be based on generally accepted engineering principles appropriate for the proposed use.

701.14 Waste Materials

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

701.15 Handicapped Access

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

requirements.

701.16 Settling and/or Storage Ponds and Reservoirs

All ponds, reservoirs or other such structures which are associated with any manufacturing or industrial process, any sewage or waste disposal process, or agricultural manure management operation shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four (4) feet high and of a design to restrict access to the area to be controlled. Any such structure which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Board of Supervisors shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight (8) feet high, topped by three (3) strands of barbed wire. (See §503.12 for accessory freshwater ponds.)

701.17 Security

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

701.18 Other Regulations

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

702 Reserved

703 Environmental Impact Statement

The intent of this §703 is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental impact statement (EIS) for the following types of developments and uses:

1. Industrial parks
2. Manufacturing or industrial uses
3. Junkyards
4. Natural resource uses
5. Natural resource uses processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Any use, excluding agricultural uses, involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas

10. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas
11. Any use involving development in any floodplain area
12. Any conditional use
13. Any special exception

The requirements of this §703 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EIS should such components be deemed unnecessary for certain uses.

703.1 Purpose of EIS

The purpose of this EIS is to disclose the environmental consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect water courses, air resources and aquifers.

703.2 Contents of EIS

An Environmental Impact Statement shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The EIS shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.

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

A. Soil Types

1. U.S.D.A. Soil Types (show on map)
2. Permeability of soil on the site.
3. Rate of percolation of water through the soil for each five acres.

B. Surface Waters

1. Distance of site from nearest surface water and head waters of streams.
2. Sources of runoff water.
3. Rate of runoff from the site.
4. Destination of runoff water and method of controlling down stream effects.
5. Chemical additives to runoff water on the site.
6. Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the Wayne County Conservation District.
7. Said information shall be set forth in a storm water management plan meeting the requirements of the Township Subdivision Ordinance.

C. Ground Cover Including Vegetation and Animal Life

1. Extent of existing impervious ground cover on the site.
2. Extent of proposed impervious ground cover on the site.
3. Type and extent of existing vegetative cover on the site.
4. Extent of proposed vegetative cover on the site.
5. Type of animal life and effect on habitat.

D. Topographic and Geologic

1. Maximum existing elevation of site.
2. Minimum existing elevation of site.
3. Maximum proposed elevation of site.
4. Minimum proposed elevation of site.
5. Description of the topography of the site and any special topographic features, and any proposed changes in topography.
6. Surface and subsurface geology

E. Ground Water

1. Average depth to seasonal high water table.
2. Minimum depth to water table on site.
3. Maximum depth to water table on site.
4. Quality

F. Water Supply

1. The source and adequacy of water to be provided to the site.
2. The expected water requirements (g.p.d.) for the site.
3. The uses to which water will be put.

G. Sewage Disposal

1. Sewage disposal system (description and location on the site, of system).
2. Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical)
3. Expected daily volumes of sewage.
4. Affected sewage treatment plant's present capacity and authorized capacity.

H. Solid Waste

1. Estimated quantity of solid waste to be developed on the site during and after construction.
2. Method of disposal solid waste during and after construction.
3. Plans for recycling of solid waste during and after construction.

I. Air Quality

1. Expected changes in air quality due to activities at the site during and after construction.
2. Plans for control of emissions affecting air quality.

J. Noise

1. Noise levels, above existing levels, expected to be generated at the site, (source and magnitude), during and after construction.
2. Proposed method for control of additional noise on site during and after construction.

K. Land Use and Community Character

1. Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.
2. Adjoining land uses and character of the area.

L. Critical Impact Areas - Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas

M. Historic Resources - Identification of structures or sites of historic significance and probable effect of project.

N. Transportation Network - Existing network traffic volumes and capacities and need for improvements required by project.

O. Law Enforcement - Existing law enforcement capabilities of the Township and State; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.

P. Additional Requirements - In addition to the above requirements the Planning Commission and/or Township Board of Supervisors or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.

703.3 Additional Considerations

The following shall also be addressed:

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

703.4 Qualifications

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

703.5 Procedures for Evaluating the Environmental Impact Statement Shall be as Follows

- A. Upon receipt of the application the Secretary shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- B. The above mentioned Agencies shall review the applicant's EIS and shall report its comments to the Planning Commission and Board of Supervisors or Zoning Hearing Board.
- C. The Planning Commission and/or Board of Supervisors or Zoning Hearing Board may require the opinion of experts in their review of the EIS.
- D. Fees for the costs of such consultation as described in Subsections "A" and "C" above shall be paid by the applicant.
- E. Copies of the Environmental Impact Statement shall be on file and available for inspection in the Township office.
- F. The Planning Commission shall evaluate the proposed project and the EIS and recommend action on same to the Board of Supervisors or Zoning Hearing Board.

704 Special Conservation Standards

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

704.1 Steep Slope Areas

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

- A. An accurate map prepared by a Registered Surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two (2) foot intervals and any areas to be graded. The proposed location of other factors shall also be shown including streams, wetlands, areas subject to landslides and extent of vegetative cover.
- B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
- C. Impervious surfaces are kept to a minimum.
- D. No finished grade where fill is used shall exceed a fifty (50) percent slope.
- E. Where fill is used to later support structures, a minimum compaction of ninety (90) percent of maximum density shall be achieved.

- F. All disturbed areas shall be stabilized and best management practices shall be used to control soil erosion and sedimentation.
- G. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope.
- H. Soils characterized by the Natural Resource Conservation Service as highly susceptible to erosion shall be avoided.
- I. Roads and utilities shall be installed along existing contours to the greatest extent possible.
- J. Any steep slope areas also characterized by seasonal high water tables shall be avoided.
- K. Natural vegetation shall be preserved to as great a degree as possible.
- L. In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

704.2 Wetlands

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

704.3 Buffer for Water Bodies

For the purposes of protecting water quality and ensuring recreational access to water bodies, a buffer zone/building setback of not less than fifty (50) feet shall be maintained from any body of water or stream. No buildings, structures (except uncovered docks), sewage disposal systems or other impervious surfaces (except approved street and driveway crossings) shall be constructed or placed within these buffer zones. In residential subdivisions this strip shall be protected via a protective easement.

704.3 Flood Plains

Flood plains shall be governed by the Township Floodplain Regulations.

704.4 Bedrock Disturbance

See §701.12 and §705.5.

705 Earth - Bedrock Disturbance

705.1 Intent

The intent of this §705 is to regulate earth disturbance, minimize storm water runoff and protect soil resources and water quality.

705.2 Permit

Any activity, except in cases where zoning or subdivision and land development approval has been otherwise granted, which will result in the earth disturbance of more than one (1) acre of land area shall require a zoning permit. (See also §503.12.)

705.3 Plan

The Applicant shall include with the application for a zoning permit a plan setting forth the details of the earth disturbance and including any additional information deemed necessary by the Township to determine compliance.

705.4 Soil Erosion and Sedimentation and Storm Water Control

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

705.5 Bedrock Disturbance - Aquifer Protection

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

705.6 Revegetation/Reforestation

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

706 Property Line Buffer Areas

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

706.1 Natural Vegetation

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

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

706.2 Buffer Areas

In addition to the requirements of §706.1, the following requirements shall apply to all parcels in C-1 Districts, and to all parcels of four (4) acres or more in all other districts:

- A. A buffer of not less than seventy-five (75) feet in width shall be maintained along all property lines and any road right-of-way. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the seventy-five foot buffer area shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge. This buffer shall be maintained until such time as a development plan is approved for the parcel in accord with this Zoning Ordinance.

- B. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning and land development plan application. Such clearing shall not be initiated until the application is approved by the Township. For the purposes of installation, landscaping shall be considered an improvement in accord with the Township Subdivision and Land Development Ordinance. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

801 Adult Businesses

801.1 Findings

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

- A. The concern over sexually transmitted diseases is a legitimate health concern of the Township which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and adult live entertainment establishments engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty stores, adult video stores, adult motion picture theaters, or adult arcades.
- D. Offering and providing such space, encourages such activities, which creates unhealthy conditions.
- E. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- F. At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- I. There is convincing documented evidence that adult businesses, because of their very nature, have a

deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.

- J. It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- K. The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve property values and the character of the surrounding community.

801.2 Intent

It is the intent of this §801 to:

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

801.3 Conditional Use in the C-1 District

Adult businesses are classified as conditional uses in the C-1 District, which provides a suitable area for the development of such uses away from areas designated for residential development.

801.4 Standards

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

- A. Setback - Adult businesses shall not be located less than:
 - 1. One hundred (100) feet from any public road right-of-way unless the standards in §§3 and §4 of this §801.4,A require larger setbacks;

2. Seventy-five (75) feet from any property line unless the standards in §§3 and §§4 of this §801.4,A require larger setbacks;
 3. Three hundred (300) feet from any:
 - a. residence
 - b. group care facility
 - c. commercial enterprises catering primarily to persons under eighteen (18) years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages; and,
 4. One thousand and five hundred (1,500) feet from any:
 - a. church or synagogue
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within five hundred (500) lineal feet of any existing adult business.
- C. Measurement - The setback distances established in this §801 shall be as measured from the nearest edge of the building used for the subject use, measured in a straight line (without regard to intervening structures or objects) to the nearest lot line of the premises of a use from which the required setback applies.
- D. Enlargement - An existing, lawful adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of the Zoning Ordinance, but only in accord with Article IX of this Ordinance.
- E. Limit of One (1) Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one (1) adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.
- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §801 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except: as permitted in §§E above. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any type of adult business.
- G. Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §§A above is developed within the required setback distance. Any additions or expansions of the use shall comply with §§A above.
- H. Alcohol - No adult business shall be operated in combination with the sale and/or consumption of alcoholic beverages on the premises.
- I. Visibility and Signs - No sexually explicit material, signs, display or word shall be visible at any time from outside of the building. Exterior signs shall comply with the provisions of Article XI of this Ordinance; however, business identification signs shall be limited to fifty (50) percent of the size permitted for other businesses. Content of such signs shall be limited to only the text of the name of the business and the hours

of operation.

- J. Exemption for Modeling Class: The following shall be exempt from regulation by this §801: A person appearing in a state of nudity did so in a modeling class operated:
1. By a proprietary school, licensed by the State, or an academically accredited college or university;
 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation;
 3. In a structure -
 - a. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b. where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. where no more than one (1) nude model is on the premises at any one time; or
 4. By an organization which qualifies under §501(c)(3) of the U.S. Internal Revenue Code as a non-profit organization or foundation.

802 Reserved

803 Agricultural Uses -- Crop Production and Livestock Operations

Agricultural uses, including crop production and livestock operations, shall be permitted in all Districts; except, in the R-1 and R-2 Districts where livestock operations shall not be permitted. In addition to the other applicable standards of this Zoning Ordinance, agricultural uses shall be subject to the following requirements:

803.1 Crop Production

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

803.2 Livestock Operations

Livestock operations shall be considered an agricultural use subject to the applicable requirements of this Ordinance, including the classification of type of use on the Schedule of Uses, and this §803. Livestock operations shall not be permitted in the R-1 and R-2 Districts.

- A. Parcel Size - The minimum contiguous parcel size shall be five (5) acres.
- B. Setbacks - Buildings and structures used to house livestock, corrals, feed lots, or other areas where livestock or animal waste is concentrated shall meet the setbacks on 803-1. These setbacks shall not apply to where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback.
- C. Reserved
- D. Fences - All livestock shall be restricted from grazing or intruding on an adjoining property by adequate fencing.
- E. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of livestock, which structure does not meet the required setbacks in Table 803-1, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.

TABLE 803-1 LOT SIZE AND SETBACKS FOR LIVESTOCK				
Type of Use	Minimum Lot Size (acres)	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** R-1, R-2 or C-1 District Setback (ft)
Livestock	5	100	75	200
Swine	5	200	150	300

*Applies to any public or private road right-of-way.
 **Applies to any existing principal residential or commercial building not located on the project premises, and any R-1, R-2 or C-1 Zoning District boundary.

803.3 State Protected Agricultural Operations

Nothing in this §803 is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and projections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land which meet the minimum definition of agricultural use as established by the applicable state statute.

803.4 Small Animals on Residential Properties

Nothing in this §803 is intended to preclude the keeping of small animals on residential properties in any district provided such animals are not used for any commercial purpose and the number of animals kept creates no public health hazard or any nuisance due to odor, noise, dust or other factor on any neighboring property. For the purposes of this section, small animals shall include chickens, ducks, geese, pigeons, rabbits, ferrets, chinchilla and similar animals.

804 Reserved

805 Animals, Keeping of

805.1 Kennels

Kennels are considered conditional uses in any A-1 District subject to §1208 of this Ordinance and the following conditions:

- A. Parcel Size - A minimum parcel of five (5) acres shall be required.
- B. Setbacks - Any structure used for the keeping of dogs shall meet the setbacks on Table 805-1.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from 6:00 P.M. to 8:00 A.M.

- F. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §§B of this §805.1 and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

TABLE 805-1 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES				
Type of Use	Minimum Lot Size (acres)	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private Stable R-1, R-2, C-1	5	100	75	200
Private Stable A-1	2	100	50	150
Commercial Stable A-1 only	10	100	75	200
Kennel A-1 only	5	125	100	200
*Applies to any public or private road right-of-way.				
**Applies to any existing principal residential or commercial building not located on the project premises.				

805.2 Stables, Private

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

- A. Parcel Size - The following minimum parcel sizes shall be required for the residence and stable:
 - 1. R-1, R-2, and C-1 Districts: five (5) acres
 - 2. A-1 and S-1 Districts: two (2) acres
- B. Number of Horses - No more than two (2) horses shall be kept except that one (1) additional horse may be kept for each additional full one (1) acre of land in excess of the minimum lot size required in Table 805-1.
- C. Building Size - The building used to house the horses shall not be less than two hundred (200) square feet in size for one (1) horse, with an additional two hundred (200) square feet for each additional horse.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one (1) space provided per two (2) horses boarded on the premises which are not owned by the residents of the dwelling.
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 805-1. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written,

notarized letter stating the acceptance of a lesser, specified setback.

- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, which structure does not meet the required setbacks on Table 805-1, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.
- I. Nuisances - The operation of the horse farm shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.
- J. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including race track facilities for training only, which are set back a minimum of one hundred and fifty (150) feet from all neighboring and adjoining property lines and any public or private road right-of-way..
 3. Boarding of horses, and necessary buildings and structures.
- K. Uses Prohibited - The following types of uses shall not be permitted as part of the horse farm operation:
1. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 2. Commercial horse racing.
 3. Sale of horses other than the horses raised or boarded on the premises.
 4. Retail or wholesale sales of any goods or merchandise except as may otherwise be permitted in accord with this Zoning Ordinance..

805.3 Stables, Commercial

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

- A. Parcel Size - A minimum parcel of ten (10) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
- B. Number of Horses - No more than ten (10) horses are kept with the exception that one (1) additional horse may be kept for each additional one (1) full acre of land in excess of ten (10) acres.
- C. Building Size - The building shall not be less than two hundred (200) square feet in size for one (1) horse, with an additional two hundred (200) square feet for each additional horse.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other

means.

- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one (1) space per two (2) horses kept on the premises
- F. Setbacks - Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on Table 805.1. These setbacks shall not apply where the affected adjoining or neighboring property owner provides a written, notarized letter stating the acceptance of a lesser, specified setback
- G. Trails - Riding trails shall be separated from adjoining properties and any public road by a vegetative buffer of not less than fifteen (15) feet in width.
- H. Nuisances - The commercial stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

806 Reserved

807 Campgrounds and Recreational Vehicle Parks

This Article VIII shall apply to transient Campgrounds and Recreational Vehicle Parks (CRVP) and non-transient CRVP.

807.1 Occupancy

CRVP's shall be used only for camping purposes. No improvement or any recreational vehicle designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times, and any action toward removal of wheels or hitches is hereby prohibited. Wheels and hitches shall remain attached to the vehicle and shall be visible at all times. No campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle for a period of one (1) week, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each CRVP and campsite by restrictive covenant.

807.2 Records

The management of every CRVP shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a campsite until the owners and/or management provide evidence of compliance with these provisions.

807.3 Procedures

- A. Applications - A CRVP or expansion shall be considered a land development as defined by the Township Subdivision and Land Development Ordinance and the application for the development of a CRVP shall be processed in accord with all the procedures established by that Ordinance for major subdivisions and land developments.
- A. Design - The design of the CRVP shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania Department of Environmental Protection for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the Department of

Environmental Protection before the plan will be considered for final approval by the Township.

807.4 Minimum Parcel Size

A CRVP shall have a total contiguous land area of not less than twenty (20) acres.

807.5 Campsite Size and Density

- A. Size - Each campsite in a transient CRVP shall have a minimum area of three thousand (3,000) square feet and a maximum of five thousand (5,000) exclusive of street rights-of-way and walkways; and each campsite shall be shown on the plans submitted to the Township. Minimum site frontage shall be fifty (50) feet at the front setback line and minimum site depth shall be sixty (60) feet.

Each campsite in a non-transient CRVP shall have a minimum area of six thousand (6,000) square feet and a maximum of eight thousand (8,000) exclusive of street rights-of-way and walkways; and each campsite shall be shown on the plans submitted to the Township. Minimum site frontage shall be sixty (60) feet at the front setback line and minimum site depth shall be seventy (70) feet.

- B. Density - The total number of lots in any CRVP shall not exceed six (6) sites per acre for transient CRVP and four (4) sites per acre for non-transient CRVP. Density shall be calculated as follows:

The total number of campsites permitted on a project parcel shall be determined by deducting the following areas from the total acreage of the project parcel:

1. Land contained within public rights-of-way.
2. Land contained within rights-of-way of existing or proposed private streets, where formal rights-of-way are not involved the width of the street shall be considered fifty (50) feet.
3. Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service, and any petroleum products pipeline or railroad rights-of-way.
4. Land contained within the required buffer area,

and then multiplying the remainder by eight (8) sites per acre for transient CRVP and four (4) sites per acre for non-transient CRVP.

- C. Campsite Demarcation - All campsites shall be specifically shown on the plans submitted and the corners of each site shall be marked on the site permanent markers.

807.6 Design Standards

In addition to the other applicable standards contained in this Ordinance, the design standards on this section shall apply to all CRVP's.

A. Location

1. Floodplain - A CRVP shall not be located within a one hundred (100) year floodplain area as defined by the Federal Flood Insurance Program.
2. Nuisances - The site of any proposed CRVP shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not

be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

3. Soils and Slopes - Sites shall not be located where the average natural slope of the area of the site intended for development exceeds twelve percent (12%).

B. Soil and Ground Cover

1. Existing Vegetation - Existing trees, shrubs and other vegetation shall be preserved and maintained to the greatest extent possible.
2. Erosion Control - All areas of a CRVP disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection.

- C. Stormwater/Drainage - CRVP's shall be designed to insure that all surface water is drained in a safe and efficient manner away from campsites. The requirements of all applicable storm water regulations shall apply.

D. Setbacks, Buffer Strips and Screening

1. Overall Property Line Setbacks - No individual campsite shall be located closer than one hundred (100) feet to any exterior property line of the CRVP, or from a public road right-of-way. The land between the campsites and the exterior property lines shall have sufficient existing or planted trees and/or shrubbery to screen the CRVP to a height of six (6) feet from the adjacent lands and to serve as a buffer. A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Board of Supervisors.
2. Interior Setbacks - No recreational vehicle or tent shall be placed on a campsite less than:
 - a. Twenty (20) feet from the front lot line
 - b. Twenty (20) feet from the rear lot line
 - c. Ten (10) feet from the side lot lines
 - d. Fifty (50) feet from the normal high water mark of any lake, stream or other body of water.
 - e. Campsites shall be separated from service, recreational or other occupied buildings and structures by a minimum of fifty (50) feet.

E. Streets, Access and Parking

1. Streets

- a. Non-transient recreational subdivision and land developments - The general and residential street design standards and improvement requirements shall apply to streets within non-transient CRVP's.
- b. Transient recreational subdivisions and land developments - Transient CRVP streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by

the Township Board of Supervisors upon recommendation of the Township Engineer, based upon the size of the development, site conditions and existing neighborhood development.

- c. All other street standards of this Ordinance shall apply.
- d. No CRVP street may be offered for dedication to the Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground or any responsible property owners association, and agreement for same shall be a condition of Township approval for the CRVP.

2. Parking

- a. Parking shall not be permitted on streets or drives within the campground, but shall be restricted to designated parking areas either at each site or at common locations.
- b. All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of six (6) inches of compacted crushed stone, bank run gravel or shale.
- c. All campsites designed for tenting may be provided with on-site parking spaces in accordance with §§b above or may have a common parking area not over five hundred (500) feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum of each parking space shall be at least nine (9) feet by eighteen (18) feet, exclusive of any aisle.
- d. In connection with the use of any CRVP, no parking, loading, or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the CRVP, unless the owner has given written permission for such use. Each CRVP operator shall provide off-street parking, loading, and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.

3. Access - There shall generally be at least two (2) points of ingress and/or egress for each CRVP from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least one hundred-fifty (150) feet where they intersect with a public street.
4. Entrances and Exits - Entrances and exits to CRVP's shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than five-hundred (500) feet of sight distance exists in either direction along the State or Township highway, nor shall such intersection be located within one-hundred fifty (150) feet of any other intersection.
5. Site Frontage - CRVP sites and parking spaces shall have direct access to and frontage on the interior park street system. Campsites and parking spaces shall not front or have access directly to public roads or

streets or to private roads or streets passing through the CRVP and providing access to other parcels or developments.

F. Utilities

1. Water Supply and Sewage Disposal - CRVP's shall be served by a central water supply and a central sewage disposal system in accord with this Ordinance. No individual on-site sewage disposal system or on-site water supply system shall be permitted.

a. At least fifty (50) percent of the campsites designed and improved for recreational vehicles shall be provided with a connection to a central water supply and central sewage disposal system.

b. No owner or occupant of any campsite shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. If there has been installed upon any campsite an apparatus for connection to the central sewage disposal system constructed within the CRVP, plumbing fixtures within the recreational vehicles placed upon the campsite shall be connected to that sewage disposal system.

c. All campsites which are not provided with a connection to a central water supply and a central sewage system shall be located within three hundred (300) feet of a bathhouse/toilet facility which shall be equipped with a water supply, toilets, urinals and lavatories in accordance with Department of Environmental Resources regulations.

d. The CRVP shall be equipped with sewage dumping stations designed and constructed in accordance with the Department of Environmental Resources requirements.

2. Electric - Electric service shall be provided to at least fifty (50) percent of the campsites, and shall be installed underground in accord with the specification of the electric company providing the service.

G. Refuse Disposal - The storage, collection and disposal of refuse in the CRVP shall be so managed as to create no health hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than one hundred and fifty (150) feet away from any campsite space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Resources. Rubbish shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Resources as frequently as may be necessary to insure that the containers shall not overflow.

H. Recreation Area - At least ten percent (10%) of the parcel shall be suitable for and improved to provide for open space and active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Board of Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities as a condition of approval. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.

I. Landscaping - Plantings shall be provided adequate to screen objectionable views effectively within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the campgrounds and other improvements, to provide adequate

privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Board of Supervisors. All landscaping and associated vegetation shall be maintained in a good and healthy condition.

- J. Other Requirements - There shall be provided in each CRVP such other improvements as the Board of Supervisors may require whereby such requirements shall at all times be in the best interest of the public health, safety and general welfare.

807.7 Non-residential Uses

No part of any CRVP shall be used for non-camping purposes, except such uses that are required for the direct servicing and well-being of the users of the CRVP and for the management and maintenance of the CRVP. Neighborhood commercial uses, not visible from any public road right-of-way such as grocery stores designed to serve the needs of the CRVP residents may be permitted. These shall not include automobile service stations or other highway-oriented uses.

807.8 Other General Requirements

- A. Fences - All property lines shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, shall be permitted thereon.
- B. Nuisances - No noxious or offensive activities or nuisances shall be permitted on any campsite.
- C. Animals - No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- D. Garbage and Refuse Disposal - No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in approved receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk on a campsite.
- E. Camping Accessories - Picnic tables, benches, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.
- F. Ditches and Swales - Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage; and shall also prevent erosion on his campsite.
- G. Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted on any campsite.
- H. Appurtenances - No permanent external appurtenances, such as additions, carports, cabanas, decks or patios, may be attached to any travel trailer or other recreational vehicle parked in a CRVP, and the removal of wheels or placement of the unit on a foundation is prohibited.

807.9 Expansions

The regulations of this Article VIII shall apply to any expansions of existing CRVP's, including increases in the number of campsites even though no addition to total land area is involved.

808 Reserved

809 Commercial Communication Devices

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, other commercial antennae and associated facilities. Such CCD and associated facilities shall be permitted only in the districts as provided on the *Schedule of Uses* in this Ordinance and this §809.

809.1 Purposes

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

809.2 Use Regulations

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

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than fifteen (15) feet shall be permitted in the all districts as an accessory use and conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be conditional uses. The applicant shall provide the following information:
 1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to document compliance with the applicable requirements.
 3. Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures: Conditional Use - A CCD site with a CCD that is either not mounted on an existing structure, or is more than fifteen (15) feet higher than the structure on which it is mounted shall require conditional use approval in accord with this §809 and shall be permitted only in A-1 and C-1 Districts.
- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.

- D. CCD as a Second Principal Use - A CCD shall be permitted on a property with an existing use subject to the following land development standards:
1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area and other requirements.
 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 4. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

809.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate, using technological evidence, that the CCD must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant shall not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service.
- B. Co-location; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Municipality shall require the applicant to demonstrate that it contacted in writing the owners of tall structures within an eight (8) mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Municipality may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one (1) or more of the following reasons apply to a particular structure:
1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the height required to function satisfactorily

and is no taller than necessary for the use and any other potential users as determined in §§H below.

- D. Parcel Size; Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than fifteen (15) feet, the minimum parcel size and setbacks in this §§D shall apply.
1. Separate Parcel - If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and the setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of thirty (30) feet. The distance between the base of the support structure and any adjoining property line or public road right-of-way shall not be less than the height of the CCD structure. In any case, the lot shall be of such size that all required setbacks are satisfied.
 2. Lease, License or Easement - If the CCD is unmanned and the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. The distance between the base of the support structure and any adjoining property line (not lease, license or easement line) or public road right-of-way shall not be less than the height of the CCD structure. The distance between the base of the support structure and any principal structure on the parent parcel or leased parcel shall not be less than one-third (1/3) the height of the CCD structure.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within forty-five (45) days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.
- F. Fencing - A fence to provide an effective barrier to prevent entry to the facility shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight (8) feet in height.
- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Municipality may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Co-location; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall

provide evidence of written contact with all wireless service providers who supply service within the region for the purpose of assessing the feasibility of co-located facilities. The applicant shall provide a report detailing the number and type of carriers which can be accommodated on the proposed structure including the anticipated height requirements of other potential users. The proposed structure, if evidenced by need as determined by the Municipality, shall be constructed, including increased height, to provide available capacity at reasonable cost for other providers should there be a future additional need for such facilities.

- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access; Required Parking - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for a minimum of fifty (50) feet from the edge of the pavement of the connecting public road. If the CCD site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- K. Color and Lighting; FAA and PennDOT Notice - CCD support structures under two hundred (200) feet in height should be painted silver or have a galvanized finish retained, in order to reduce the visual impact. Support structures may be painted green up to the height of nearby trees. Support structures two hundred (200) feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PennDOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PennDOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
- N. Discontinued Use; Bond - Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Municipality to remove the facility and assess the cost of removal to the foregoing parties. The Municipality may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In the case where there is no separate parcel, the lien shall be against the entire parent parcel of land upon which the CCD and/or support structure is located by lease, license or easement.

The operator of every CCD shall provide a bond to cover the cost of CCD and associated equipment removal. Nothing herein shall legally bind the governing body to effect the removal of any CCD, which shall remain the ultimate responsibility of the owner of the property upon which the CCD is located and the owner of the CCD.

1. Amount - The amount of the bond shall be established by the governing body based upon the size and nature of the proposed facility, but in no case shall the amount be less than twenty thousand dollars (\$20,000).
 2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania.
 3. Term; Annual Renewal - The bond shall be executed in favor of the Municipality and shall be for the use of the Municipality. The term of the bond shall be for one (1) year, with automatic renewal.
 4. It shall be the condition of the bond that if the applicant does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the governing body shall have the authority to use such bond to effect the required compliance and/or the removal of the CCD.
- O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any structure or equipment container associated with the CCD.
- P. Site Plan - A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required by §608.6,D of this Ordinance governing information required for conditional uses. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than fifteen (15) feet.

810 Reserved

811 Detention Facilities

In addition to all other applicable standards, detention facilities shall be in strict conformity with the following specific requirements and regulations and shall be permitted only in those districts as specified in Article IV.

811.1 Parcel Size

In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of fifty (50) acres.

811.2 Site Design Standards

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

- A. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
1. residence
 2. group care facility
 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 4. public or semi-public building or use
 5. public park or public recreation facility
 6. health facility
 7. church or synagogue
 8. public or private school
- B. A perimeter security fence may be required by the Township, and shall be a minimum of ten (10) feet in height and constructed of chain-link, topped with barbed or concertina wire as may be required by the Township.

811.3 Security

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

811.4 Accessory Uses and Ancillary Activities

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

812 Reserved**813 Forestry Enterprises****813.1 Permit Required**

A permit shall be required for all forestry enterprises.

813.2 Soil Erosion and Sedimentation and Storm Water Control

Any earth disturbance shall comply with §601.13 of this Ordinance and a soil erosion and sedimentation control plan shall be required. No earth disturbance or clear cutting shall be permitted within twenty-five (25) feet of any water body or stream except for approved stream crossings.

512.3 Best Management Practices

Timber harvesting shall be conducted in accord with accepted best management practices. Accepted best management practices are generally those recommended by the Penn State College of Agricultural Sciences School of Forest Resources, the Pennsylvania Department of Environmental Protection Bureau of Forestry, the Pennsylvania Forestry Association, the Pennsylvania Hardwoods Development Council, the Hardwood Lumber Manufacturers Association of Pennsylvania, and the Society of American Foresters. Many of these best management practices are detailed in the following publications:

1. *Best Management Practices for Pennsylvania Forests*, Penn State College of Agricultural Sciences, 1996.
2. *Timber Harvesting Issues in Pennsylvania*, Penn State College of Agricultural Sciences School of Forest Resources, undated.
3. *Best Management Practices for Silvicultural Activities in Pennsylvania's Forested Wetlands*, Penn State College of Agricultural Sciences School of Forest Resources and Pennsylvania Hardwoods Development Council, 1993.

813.4 Township Road Bond

The Township may require a bond, letter of credit or other financial guarantee to assure that any damage to Township roads caused by logging or any other forestry enterprise is repaired at the cost of the person causing such damage. The amount of the bond shall be based on the extent of the operation, the Township roads used by the operation and the recommendation of the Township Engineer, and the term and form of the bond shall be approved by the Township Solicitor.

814 - 819 Reserved

820 Junk Yards

820.1 Annual License

On and after the effective date of this Ordinance, no person shall establish, maintain or operate, or continue to maintain or operate a junk yard; and no person shall establish, maintain or operate, or continue to maintain or operate any premises in such manner which constitutes a junk yard under the terms of this Ordinance; except as authorized by this ordinance and without a license issued by the Township. All licenses shall be valid for a period of one (1) year beginning January 1st and expiring January 1st of the following year. All licenses must be renewed annually on or before January 1st of each year.

- A. Application - Any person intending to operate or currently operating a junk yard in The Township shall make annual application for a license. Said application shall be made on a form prescribed by the Township and shall, at a minimum, contain the following information. Said application shall be made concurrently with that for any required zoning approval.
1. Name of applicant
 2. Address and telephone of applicant
 3. The location of the junk yard
 4. Property owner if different than applicant
 5. Any criminal record of the applicant, owner or associates involved in the business
 6. Signature of the applicant and owner
- B. Plan - The application shall include a plan of the proposed junk yard showing, at a minimum, the following information:
1. All information required for land developments by the Township Subdivision and Land Development Ordinance.
 2. The location of principal structures on all properties within one thousand (1,000) feet of the junk yard premises.
- C. Annual Fee - The operator of every junk yard shall pay an annual license fee for the issuance or renewal of every license. The fee shall be established by Resolution of the Board of Supervisors.
- D. Annual Bond - The operator of every junk yard shall, as part of the annual license requirement, provide a bond to cover the cost of any junk removal undertaken by the Township in response to violation of this Ordinance. Nothing herein shall legally bind the Board of Supervisors to effect the removal of any junk and the remediation of any environmental problems associated with any junk, which shall remain the ultimate responsibility of the owner of the property upon which the junk is located and the owner of the junk.
1. Amount - A surety bond shall accompany every application for license. The amount of the bond shall be established by the Board of Supervisors based upon the size and nature of the proposed junk yard, but in no case shall the amount be less than twenty thousand dollars (\$20,000).
 2. Form - The Bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania. The Township may, in lieu of such surety bond, accept a bond executed by the applicant for license if such bond is secured by the deposit with the Township Secretary of a cashier's check, treasurer's check, or certificates of deposit of a banking institution in the total sum as established by the Board.
 3. Annual Renewal - The bond shall be renewed and refiled annually along with the annual license renewal.

4. Term - The bond shall be executed in favor of the Township and shall be for the use of the Township. The term of the bond shall be for one (1) year.
 5. It shall be the condition of the bond that if upon and after the issuance of such license the said licensee does not fully and faithfully observe and comply with the provisions of this Ordinance and any other applicable approvals or regulations, the Board of Supervisors shall have the authority to use such bond to effect the required compliance and/or the removal of junk.
- E. Determination of Issuance - Upon receipt of a completed application and fee, the Board of Supervisors, at a duly advertised meeting, shall take action to grant or deny the license application or renewal. Said action shall be based upon the suitability of the premises for the operation of a junk yard; the character of adjacent properties and the likely effect of the junk yard; the general health, safety and welfare of Township residents; the potential hazards to neighboring properties and structures; and the past performance of the licensee in the case of renewals. No license shall be issued for a new junk yard unless and until the proper zoning and land development approvals are granted by the Board of Supervisors. If approval is granted, the licenses shall be issued and shall be conspicuously posted on the junk yard premises. Any license shall be for the operation of the junk yard only upon the premises for which the license is issued and no license shall be transferable by any means.
- F. Records - Every licensee shall maintain written records of the following information for all junk purchased, acquired or received:
1. Date and approximate time of purchase, acquisition or receipt of junk
 2. Full and complete description including trade names and serial numbers, if any
 3. Name and address of person from whom junk was obtained
- Such records shall be maintained for a period of five (5) years and shall, at all times, be subject to the inspection of the Township.
- G. Revocation - Any license issued under this Ordinance may be revoked by the Board of Supervisors in the event the said licensee is found to have given any false information or in any way misrepresented any material fact upon which the Township has relied in granting the license; or, where the licensee violates any provisions of this Ordinance. No fee refunds shall be made in such case.

820.2 Property Owner Responsibility

It shall be the ultimate responsibility of the property owner of the premises upon which any junk is situated and the owner of any such junk to comply with this Ordinance; and to provide for the removal of such junk and remediation of any environmental problems associated with any junk.

820.3 Operating Standards

All existing and proposed junk yards licensed under the provisions of this Ordinance shall be established, maintained, and operated in accord with the following standards:

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than eight (8) feet in height. Said fence shall be completed within six (6) months after the effective date of this Ordinance for existing junk yards and prior to the issuance of a license for a new junk yard. All gates shall be closed and locked when

closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.

- C. Screening - All junk yards shall be screened, to the satisfaction of the Board of Supervisors, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Board of Supervisors. All screening shall be maintained in such fashion as to continue to provide the required screening.
- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than one hundred (100) feet from any public road right-of-way, one hundred (100) feet to any property line or two hundred fifty (250) feet from any principal residential or commercial structures existing at the time of adoption of this Ordinance. The requirements of this §D shall not apply to junk yards existing prior to the effective date of this Ordinance and which fully complied with prior Township regulations applicable to junk yards. However, the expansion of any such existing junk yard into an area already not used for the storage of junk shall comply with this section.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than two hundred (200) feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two (2) working days after arrival to the premises and shall be disposed of in a manner meeting all state and federal requirements. Such liquids and materials, while stored on the premises, shall be kept separately in leak-proof containers at a central location on the premises.
- I. Water Quality - In cases where the junk yard includes ten (10) or more junk vehicles or where the Board of Supervisors deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three (3) months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage of junk if water drainage from the junk yard area is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Resources, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected.

- J. Fire Lanes - Fire lanes of a minimum width of twenty (20) feet shall be maintained so that no area of junk shall span a distance of more than fifty (50) feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than six (6) feet.
- M. Nuisances - All premises shall, at all times, be maintained so as not to constitute a nuisance, or a menace to the health, safety, and welfare of the community or to the residents nearby, or a place for the breeding of rodents and vermin. Within two (2) days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.
- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

821 - 847 Reserved

848 Solid Waste

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be considered conditional uses in the A-1 District only, and shall, in addition to the other applicable standards in this Ordinance, be subject to all applicable state and federal regulations and the requirements of this §848.

848.1 Traffic Study

The applicant shall provide evidence by a professional person or firm competent to perform traffic analysis showing that the traffic generated by the site will not cause a reduction in the level of service on the roads used by said facility. The applicant shall provide copies of the completed traffic analysis to the Chief of Police, Director of Public Works and the Township Engineer for review and approval. The Chief of Police, Public Works and Township Engineer shall transmit their review in writing to Board of Supervisors, the applicant and other known parties of interest prior to the hearing. If the facility will cause a reduction in the level-of-service approval shall not be granted.

- A. The traffic study and plan shall establish the most direct proposed route or routes for vehicles carrying solid waste to the facility. This route shall minimize impacts on any residence, commercial or retail establishment, public school or religious institution.
- B. The traffic impact study and plan shall include proposed remedial actions to be taken in the event of a solid waste spill or accident involving a vehicle transporting solid waste.

848.2 Parcel Size: Yards

The minimum parcel size shall be twenty-five (25) acres. No part of any facility created after the effective date of this Ordinance shall be located closer than three hundred (300) feet to an existing public right-of-way, property line or stream. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than fifty (50) feet in width shall be provided in all yards in accord with §701 of this Ordinance.

Additional buffers and setbacks may be required in accord with this Ordinance.

848.3 Fencing

All facilities shall be completely enclosed by a chain link fence not less than ten (10) feet in height. The erection of said fence shall be completed within six (6) months after the effective date of this Ordinance for existing facilities and prior to the issuance of a certificate of use for a new facility. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

848.4 Environmental Impact Statement

As part of the conditional use process, the Township may require the applicant to prepare and submit an Environmental Impact Statement pursuant to §703 of this Ordinance.

848.5 Storage and Loading/Unloading

Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three (3) hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface which drains into a holding tank that is then adequately treated.

848.6 Effluent Treatment

The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable Department of Environmental Protection regulations and Sewer Authority requirements.

848.7 Dangerous Materials

No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

848.8 Water Quality

The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within five hundred (500) feet of any area used for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two (2) samples shall be collected; one sample shall be taken from the stream at a point upstream of the solid waste disposal facility drainage area and one sample shall be taken from the stream at a point below the facility drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township Board of Supervisors, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the facility shall cease operation until such time as the source of the contamination has been identified and corrected.

848.9 Emergency Access

The operator of the facility shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.

848.10 Hours of Operation

Under the authority granted to the Township under State Act 101 of 1988, all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 6:00 p.m. and are not permitted to operate on Sundays, Christmas Eve, Christmas Day, New Year's Day, 4th of July, Labor Day, Memorial Day or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.

848.11 Nuisances

Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Board of Supervisors that proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety and welfare or inhibit the public's use or enjoyment of their property.

848.12 Attendant and Inspections

An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a Conditional Use Permit, allow access at any time to the facility for inspection by appropriate Township Officials and provide the Township with the name and phone number of a responsible person(s) to be contacted at any time in the event of an inspection.

848.13 State and Federal Regulations and Reporting

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §848 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

849 - 850 Reserved**851 Treatment Centers/Clinics, Medical Offices, And Health Facilities**

In addition to all other applicable standards, medical offices and health facilities including, but not limited to, hospital facilities, nursing and adult homes, personal care facilities and treatment centers/clinics, whether publicly or privately operated, shall comply with the following requirements and shall be permitted only in those districts as specified in the Schedule of Uses.

851.1 Waste Disposal

Details shall be provided by the applicant about the types and amount of medical and hazardous waste generated anticipated to be generated at the facility and how such waste will be handled, stored and disposed of in accord with state and federal requirements.

851.2 Security

In cases where deemed necessary by the Township, the applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as

to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining residences by means of fencing, signs or a combination thereof. The plan shall also address measures to ensure that lighting and noise is controlled, particularly with respect to loudspeakers or other amplification devices and floodlights.

851.3 Treatment Centers/Clinics

The following additional standards shall apply to treatment centers/clinics.

- A. In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of ten (10) acres.
- B. The building and all secure areas shall not be less than two hundred (200) feet from any property line and the right-of-way line of any abutting public road, and five hundred (500) feet from any:
 1. residence
 2. group care facility
 3. commercial enterprises catering primarily to persons under eighteen (18) years of age
 4. public or semi-public building or use
 5. public park or public recreation facility
 6. health facility
 7. church or synagogue
 8. public or private school
- C. A perimeter security fence may be required by the Township, and shall be a minimum of ten (10) feet in height and constructed of chain-link, topped with barbed or concertina wire as may be required by the Township.
- D. Methadone treatment facilities, as defined by §621(d) of the Pennsylvania Municipalities Planning Code, shall, in addition to the other requirements of this §851, comply with the requirements of §621 of the Pennsylvania Municipalities Planning Code.
- E. The operator of the facility shall annually provide to the Township a report detailing the number of clients served and the type of treatment provided.

852 - 855 Reserved

856 Vehicle Related Uses

Vehicle related uses, in addition to all other applicable standards, shall comply with the standards in this §856.

856.1 Car and Truck Wash Facilities

All car and truck wash facilities shall be subject to the following specific regulations and requirements:

- A. The principal building housing the said facility shall be set back a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. Appropriate facilities for the handling of waste water from the washing activities shall be provided including, the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
- C. The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least

seventy-five (75) feet from the intersections of the front and side street right-of-way lines.

- D. The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three (3) automobiles.
- E. Any wash facility located within two hundred (200) feet of any residential district which is not self-service shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

856.2 Gasoline Service Stations and Vehicle or Equipment Repair Operations

All gasoline service stations and vehicle or equipment repair operations are considered conditional uses and shall be subject to the following specific regulations and requirements:

- A. The principal building housing the operation shall be setback a minimum of sixty (60) feet from the road or street right-of-way line and thirty (30) feet from the side or rear property lines.
- B. All service and repair activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- C. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall outdoors, it shall comply with the junk regulation set forth in this Ordinance.
- D. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- E. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in a week of normal operation.
- F. Gasoline pumps and other service appliance may be located in the required front yard but shall not be situated closer than thirty (30) feet from the road or street right-of-way line. Any above ground storage tanks shall not be placed in the front setback area.
- G. No vehicles shall be stored in any required setback areas.
- H. Any operation which is primarily intended to serve trucks with three (3) or more axles or tractor-trailer trucks shall have a minimum lot area of thirty thousand (30,000) square feet, and all areas for fueling and servicing shall be not less than seventy-five (75) feet from any residential district.
- I. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

856.3 Vehicle or Equipment Sales Operations

All vehicle or equipment display and sales operations of new and used automobiles, trucks, motorcycles, mobile homes, recreation vehicles, boats, and travel trailers and other vehicles and equipment shall be subject to the following specific requirements:

- A. All principal and accessory buildings and structures shall be in accord with the yard setback, building height and lot coverage requirements of the District.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the District.
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §856.2 above.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than four (4) vehicles per service stall in exterior areas, it shall comply with the junkyard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.
- G. No vehicles shall be stored in any required setback areas.

856.4 Race Tracks

All race tracks for motor driven vehicles, including but not limited to automobiles, trucks, go-carts, motorcycles, motorscooters, dune buggies and the like, shall be located not less than one-half (½) mile from any R-1 or R-2 District; and shall be considered conditional uses in the A-1 District only.

ARTICLE IX NONCONFORMITIES

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose

It is the purpose of this Article to recognize that if, prior to the adoption of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which the Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Township from regulating the change, alteration, reconstruction, reestablishment, extension, destruction and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.

It is also the purpose of this Article to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.

It is further the purpose of this Article to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a non-conforming use. The following are regulations which shall apply.

901.2 Applicability

The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, reenacted and replace, or which are recognized by §903 or §904 of this Article IX. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

901.3 Registration

It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for the Commission's review and recommendation with regard to the evidence of nonconformity.

901.4 Continuation and Change

A lawful nonconforming lot, structure or use as defined by this Ordinance may be continued and may be sold and be continued by new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this Article.

902 Definitions

902.1 Nonconforming Lot

Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where

such a lot is situated, such lot having been created and recorded in the office of the Lackawanna County Recorder of Deeds prior to the effective date of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced.

902.2 Nonconforming Structure

A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the enactment of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, non-conforming signs.

902.3 Nonconforming Structure, Alteration or Expansion

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

902.4 Nonconforming Structure, Reconstruction

The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

902.5 Nonconforming Use

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was Lawfully in existence prior to the enactment of the original North Abington Township Zoning Ordinance, as amended, reenacted and replaced.

902.6 Nonconforming Use, Change

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this Zoning Ordinance.

902.7 Nonconforming Use, Extension

The expansion of a nonconforming use throughout the structure which the said use partially occupies; or the expansion of a nonconforming use onto property not already occupied by the said use.

902.8 Nonconforming Use, Reestablishment

The reopening or reinstatement of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Zoning Ordinance.

903 Nonconformities Under Development

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

904 Nonconformities by Variance

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

905 Normal Maintenance and Repair Activities

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses.

Such maintenance and repair activities shall, however, comply with all other applicable standards and permit requirements of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Conditional Uses

All changes of nonconforming uses shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XII of this Ordinance and the review factors in §912 of this Article. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e. more restrictive classification) as determined by the Planning Commission and Board of Supervisors in accord with classification of the uses in the Schedule of Uses of this Ordinance. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative affects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific zoning districts. For example, a change from a nonconforming retail store in R-1 District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

906.2 Conforming Changes and Conversions

- A. Change - A change in a nonconforming use to a conforming use shall not be considered a conditional use unless the proposed use is classified as a conditional use by the Schedule of Uses in this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. Conversion - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a conditional use. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

906.3 Other Standards

All changes to nonconforming uses shall also be subject to all other applicable standards in this Ordinance.

907 Extension of Nonconforming Uses

907.1 Conditional Uses

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered conditional uses subject to the specific procedures and review criteria contained in Article XII of this Ordinance, and the review factors in §912 of this Article.

907.2 Extension onto Other Properties of Record in the Same Ownership

A nonconforming use may only be extended onto a new property of record if that property is contiguous to the existing location, the properties were both under the same ownership as of the effective date of this Ordinance, as amended, the owner has clearly exhausted the alternatives available for expansion on the existing property, and the use is not one which has been altogether prohibited as a new use under this Ordinance.

907.3 Extension Limitation

A nonconforming use shall not be extended more than fifty (50) percent beyond the area of land or structure legally occupied by the use as it existed at the time of the adoption of the initial North Abington Township Zoning Ordinance.

907.4 Prohibited Extensions

Should the use proposed for extension be judged by the Township to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted

under this Ordinance, the requested extension shall be denied. The Board shall consider past operating performance in making its decision.

908 Reconstruction

908.1 Time Limit

If any nonconforming structure or use (see Subsections 908.4 below for exception) is damaged or razed, it may be restored or reconstructed to its preexisting condition of nonconformity provided the application for a building permit is submitted within eighteen (18) months of the date of the casualty.

908.2 Procedure - Permits

All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a conditional use if the reconstruction involves a change or extension of use as regulated by §906 and §907 of this Ordinance, respectively.

909 Abandonment and Reestablishment of Nonconformities

Unless extended in accord with this §909, if a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of twelve (12) months or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Zoning Ordinance. The Zoning Officer may notify in writing the title owner of the land and/or structure that the twelve (12) month period has expired. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

910 Alterations and Expansions of Nonconforming Structures

910.1 Alterations

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §910.

910.2 Procedure - Permits

All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a conditional use if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §906 and §907 of this Ordinance, respectively.

910.3 Nonconforming Setbacks

Should a building have a lawful nonconforming front, side or rear building setback, the structure may be altered to increase the height above such setback, or to extend other portions of the building up to such nonconforming setback but not to exceed a distance of seventy-five (75) percent of the existing nonconforming part of the structure as it existed at the time of the adoption of the original North Abington Township Zoning Ordinance. However, such additions shall not be permitted to any non-residential structure which abuts a residential use.

910.4 Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

911 Use of Nonconforming Lots of Record

911.1 Single Family Dwelling

A single-family dwelling may be erected or expanded on any lawful nonconforming lot of record in any District,

provided:

- A. Adjoining Property - The lot owner does not own adjoining property all or part of which can be combined to make the lot conforming.
- B. Setbacks - The required front setback is maintained as required for the District in which the lot is located, no side yard is reduced to less than ten (10) feet unless other provisions of this Zoning Ordinance allow such reduction, and no rear yard is reduced to less than twenty (20) feet.
- C. Other Standards - All other applicable standards in this Ordinance are satisfied.
- D. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- E. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

911.2 Commercial Uses

A commercial use may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Adjoining Property - The lot owner does not own adjoining property all or part of which can be combined to make the lot conforming.
- B. Setbacks - All setbacks normally required in the District are maintained.
- C. Lot Size Requirement - This Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.
- D. Water Supply - An adequate water supply is provided in accord with Township and other applicable regulations.
- E. Other Standards - All other applicable standards in this Ordinance are satisfied.
- F. Sewage Disposal - Sewage disposal is provided in accord with applicable Township and PA DEP requirements.

912 Review Factors

In addition to other applicable standards, the Township shall consider any nonconformity conditional use application in terms of the effect on the following factors:

- A. Traffic generation.
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

**ARTICLE X
OPEN LAND, RECREATION LAND, DEVELOPMENT IMPROVEMENTS AND
COMMON FACILITIES — OWNERSHIP AND MAINTENANCE**

This Article X shall apply to any development which involves the ownership and maintenance of open land, recreation land, common facilities and development improvements (referred to as "common area" in this Article) as required by this Ordinance and the Township Subdivision and Land Development Ordinance.

1001 Purpose

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

1002 Plan and Legal Documents

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

1003 Use Restriction

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

1004 Development Plan Designations

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

1005 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common area use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, recreation land, common facilities and development improvements.

All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common areas, should the means established by the developer fail to provide the same.

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

1005.1 Property Owners Association or Condominium Agreements

All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:

- A. The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute.
- B. Participation in the POA/CA is mandatory for all lot owners.
- C. Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.
- D. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities.

1005.2 Transfer to a Private Conservation Organization

In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided that:

- A. The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common area ownership and maintenance standards of this Article and this Zoning Ordinance.
- B. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.
- C. The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
- D. A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.

1005.3 Deed Restricted Private Ownership

On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

1005.4 Deed or Deeds of Trust

The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.

1005.5 Conservation Easements Held by the Township

In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, and title to such lands may be transferred to other parties for use as restricted by the conservation easement.

1005.6 Fee Simple and/or Easement Dedication to the Township

In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:

- A. There is no consideration paid by the Township.
- B. Such land is freely accessible to the public.
- C. The Township agrees to and has access to maintain such lands.

1006 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Area

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

1006.1 Notice

The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common areas.

1006.2 Correction of Deficiencies

The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.

1006.3 Public Hearing

A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Zoning Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

1006.4 Failure to Correct

In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common area and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.

1006.5 Reinstatement of Responsibility

The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

1006.7 Appeal

Any party to the action of the Board of Supervisors may appeal such action to court as provided for zoning appeals in the Pennsylvania Municipalities Planning Code, as amended.

1006.8 Public Costs

The costs of the preservation of use dedication and the cost maintenance and operation of any open land conducted by

the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in §1006.1 above, shall file the required notice of lien against the properties.

ARTICLE XI SIGNS

1101 Administration

1101.1 Administration

The Purpose of this Article IX is to establish standards for the regulation of signs within North Abington Township in order to safeguard the public interest and:

- A. to protect property values within North Abington Township;
- B. to preserve the beauty and the unique character of North Abington Township;
- C. to promote and aid in the tourist industry of North Abington Township;
- D. to protect the general public from damage and injury which may caused by the faulty construction of signs;
- E. to protect pedestrians and motorists of North Abington Township from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;
- F. to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within North Abington Township;
- G. to assure that signage is clear and provides the essential identity or direction to facilities in the community; and,
- H. to enable the fair and consistent enforcement of the sign restrictions throughout North Abington Township.

1101.2 Applicability - Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

- A. to establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Ordinance;
- B. to allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;
- C. to provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
- D. to prohibit all signs not expressly permitted by this Ordinance.

1101.3 Requirement of Conformity

No sign, for which a permit is issued after the effective date of this Ordinance, may be placed or maintained in North Abington Township except as provided herein. All signs maintained contrary to the provisions of this Ordinance are declared to be nuisances, and as such may be abated as provided by law.

1102 Definitions And Interpretation

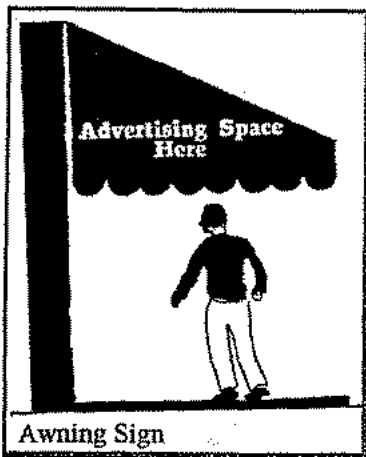
Words and phrases used in this Article shall have the meanings set forth in this Section. Words and phrases not defined in this Section but defined in Article II shall be given the meanings set forth in said Article. Principles for computing sign area and sign height are contained in this section. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

ABANDONED SIGN - A Sign located on a property or premise which is vacant and/or unoccupied for a period of six (6) months, or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the date of the damaging event and/or for which no legal owner can be found.

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

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

APPLICANT - A person or entity who applies for a sign permit in accordance with the provisions of this Ordinance.

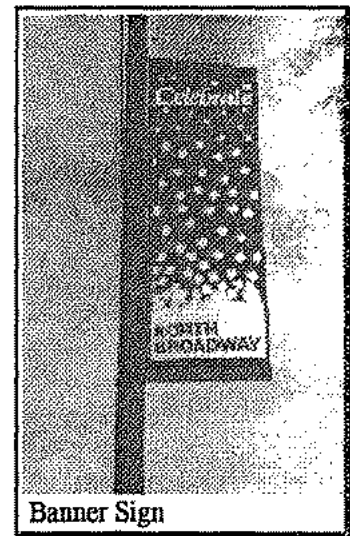


Awning Sign

AREA OF SIGN - In the case of individual letters used as a sign, the area is ninety percent (90%) of the area enclosed within the smallest regular geometric figure needed to completely encompass all letters, insignias or symbols, except as otherwise provided herein. For signs other than individual letters, words, insignias or symbols, the area is the total area of the facing or the total area within the outer edge of any existing border of the sign.

ATTRACTION BOARD - See *changeable panel sign*.

AUTOMATED TELLER MACHINE DIRECTIONAL SIGN - A traffic directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.



Banner Sign

AUTOMATED TELLER MACHINE SIGN - Any sign located on or architecturally associated with the exterior face of an automated teller machine.

AWNING SIGN - Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior of a building.

BANNER SIGN - Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges with no enclosing framework. National flags, state or municipal flags of any institution or business shall not be considered banners.

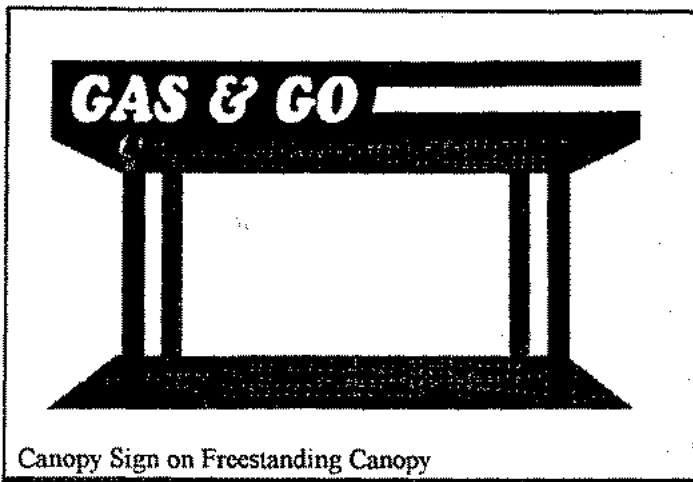
BANNER, DECORATIVE - A banner which contains no text.

BANNER, PUBLIC INFORMATION - A banner which displays graphics and limited text regarding a special event.

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

BUSINESS - For the purposes of this Article 9, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

BUSINESS NAME - The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.



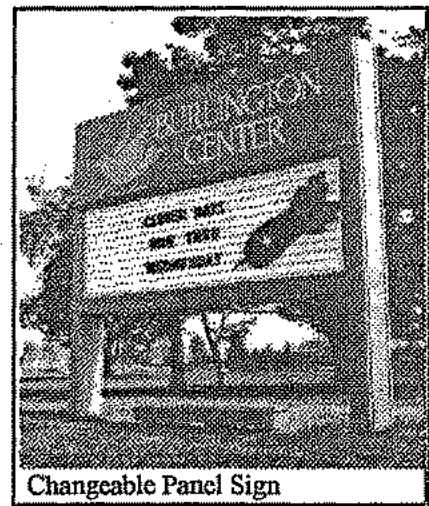
CABINET - A three-dimensional structure which includes a frame, borders and sign panel face and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

CANOPY SIGN - Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE PANEL SIGN - A sign designed to allow it's informational content to be changed or altered.

COMMERCIAL MESSAGE - Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMPUTATION OF AREA IN INDIVIDUAL SIGNS - The area of sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.



Changeable Panel Sign

COMPUTATION OF AREA OF MULTI-FACED SIGNS - The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42") inches apart, the sign area shall be computed by the measurement of one of the faces.

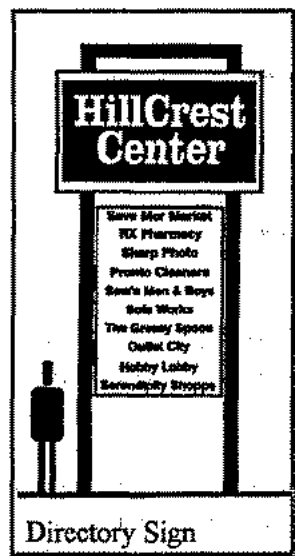
COMPUTATION OF HEIGHT - The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

CONSTRUCTION SIGN - A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

CONTRACTOR OR SUBCONTRACTOR SIGNS - The temporary signs which identify the contractor or subcontractor engaged in the construction, reconstruction or repair of a building or buildings on a lot or parcel or property.

DEVELOPMENT SIGN - A temporary sign used to identify an approved future development.

DIRECTORY SIGN - A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.



DOUBLE-FACED SIGN - A sign with two faces, essentially back to back.

EMERGENCY SIGNS - Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

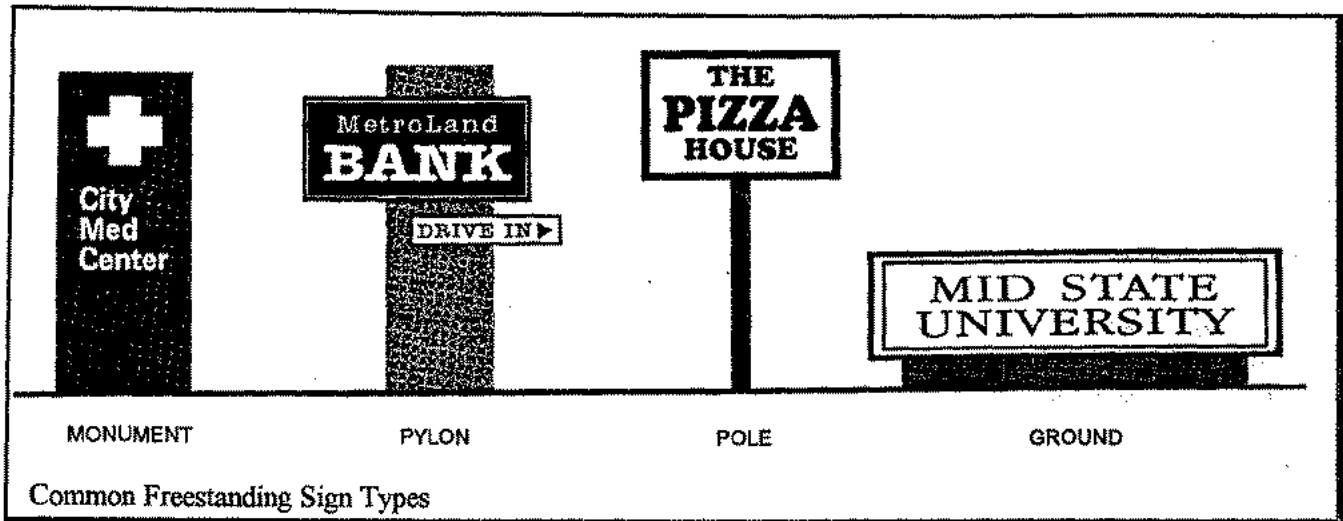
FLAG - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.

FLAG, DECORATIVE - A flag which contains no text or graphics.

FREESTANDING SIGN - A sign supported permanently upon the ground by poles or braces and that is not attached to any building.

GOVERNMENT SIGN - Any temporary or permanent sign erected and maintained by the township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

GRAND OPENING - The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.



GROUND LEVEL - The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

GROUND SIGN - A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

HEIGHT - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less..

ILLEGAL SIGN - Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this ordinance.

ILLUMINATED SIGN - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.



INDIRECT ILLUMINATION - A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

INDIVIDUAL LETTERS - A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

INTERNAL ILLUMINATION - A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

INTERNAL/INDIRECT ILLUMINATION - A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the individual letter is mounted. The letters are opaque, and thus are silhouetted against the background. The source of illumination is not visible.

LOGO - A graphic symbol representing an activity, use or business. Permitted logos shall be registered trademarks or symbols commonly used by the applicant, and may include graphic designs in addition to lettering. The applicant shall provide stationary or other supporting documents illustrating the use of the logo.

MAINTENANCE - The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of said copy.

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

MENU SIGN - A temporary sign used to inform the public of the list of dishes, foods or entrees available in a restaurant and may include the corresponding prices.

MODIFIERS - A word describing uses and activities other than the business name.

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

MULTIPLE TENANT COMMERCIAL BUILDING - A commercial development in which there exists two or more separate commercial activities, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multiple tenant commercial building may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple occupant commercial use of a single structure.

NAMEPLATE - A small sign which identifies a resident's or home's name and address or the name of a farm, ranch or commercial stable. Such signs may be shingle, building wall or archway-mounted signs.

NONCONFORMING SIGN - Any sign which is not allowed under this Ordinance, but which, when first constructed before this ordinance was in effect and for which a sign permit was issued, was legally allowed by the Township.

OCCUPANCY - A purpose for which a building, or part thereof, is used or intended to be used.

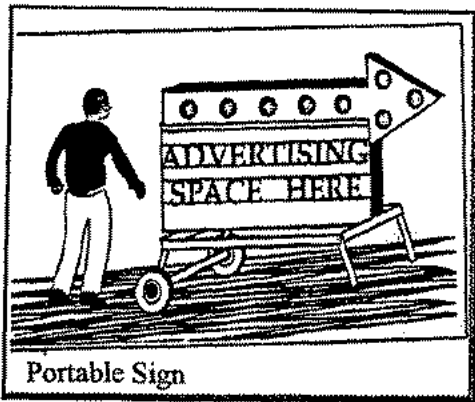
OWNER - A person recorded as such on official records. For the purpose of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Zoning Officer.

PANEL - A two-dimensional visual background behind the sign letters and logos which is visually separated from the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

PARAPET - That portion of a building exterior wall projecting above the plate line of the building.

PENNANT - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind,

suspended from a rope, wire, or string, usually in series, designed to move in the wind.



Portable Sign

PERMANENT SIGN - Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the Ordinance.

PLATE LINE - The point at which any part of the main roof structure first touches or bears upon an external wall.

POLITICAL SIGN - A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

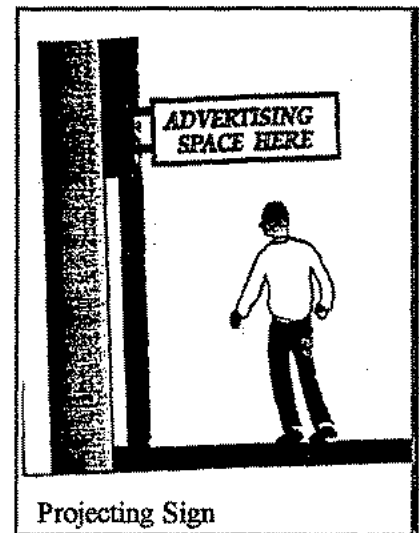
PORTABLE SIGN - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PROJECTING SIGN - Any sign affixed to a building wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

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

REAL ESTATE SIGN - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

RIGHT-OF-WAY - No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.



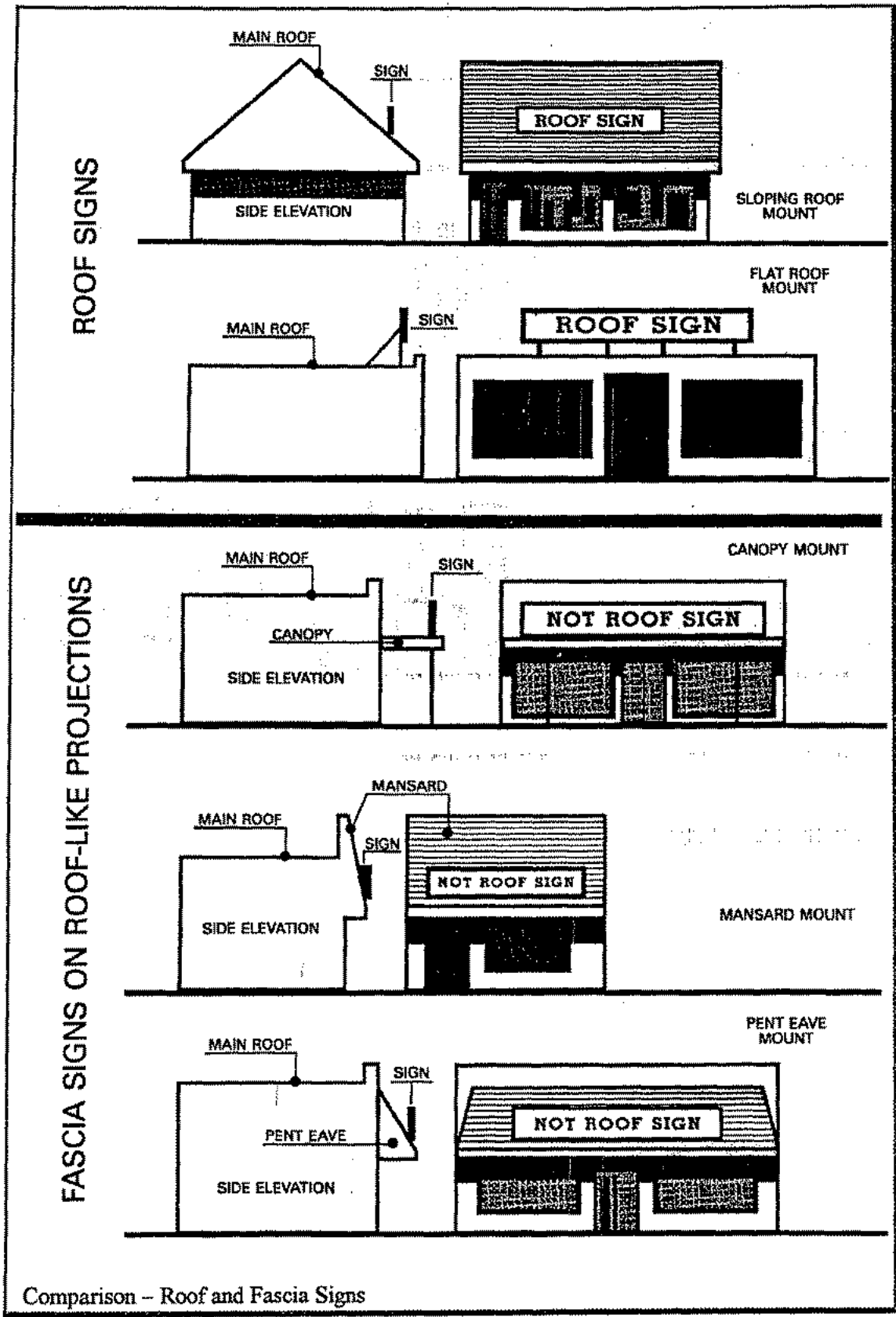
Projecting Sign

ROOF LINE - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN - Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. See the following illustration for example of roof signs, and comparison of differences between roof and fascia signs.

SHINGLE SIGN - A sign suspended from a roof overhang of a covered porch, walkway or horizontal plane surface which identifies the tenant of the adjoining space.

SIGN - Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private



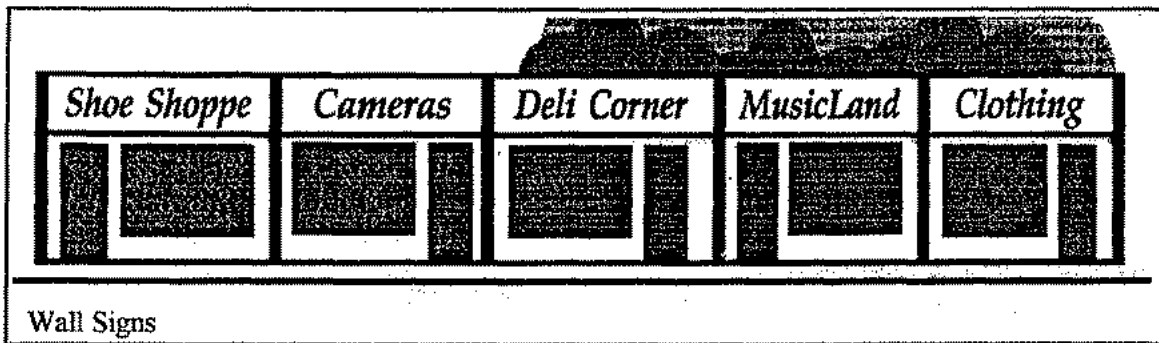
property upon which the display is made. The term "sign" shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Lackawanna County, North Abington Township, or official historic plaques of any governmental jurisdiction or agency.

SIGN WALL - Any surface (excluding windows) of a building within twenty-five (25) degrees vertical.

SPECIAL EVENT - A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

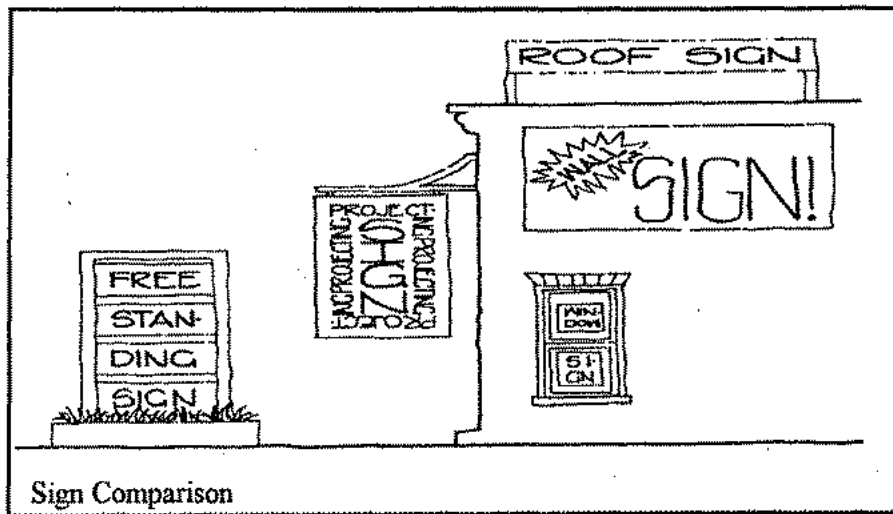
TEMPORARY SIGN - Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

TRAFFIC DIRECTIONAL SIGN - Signs used at driveways to improve public safety and to enhance public access to the site from public streets, which provides information to assist the operators of vehicles in the flow of traffic. Such signs may use names, logos, or symbols of buildings, businesses, activities, uses or places as a means of direction.



WALL SIGN - Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN - Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



1103 Procedures

The procedures included in this Section 1103 shall apply to all signs requiring permits. In addition to the information required by this section, a Master Sign Plan shall be prepared for approval by the Township in accord with Section 1108.

1103.1 Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Ordinance. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Ordinance.

- A. Exempt signs as specified in Section 1104.2.
- B. Real estate, temporary construction and contractor signs.
- C. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

1103.2 Permit Application

Applications for sign permits shall be submitted to the Zoning Officer and shall, at a minimum, contain or have attached thereto the information listed in this section. The applicant shall pay the required application fee at the time when the sign application is filed. Two copies of plans and specifications shall be submitted with each application. One copy shall be returned to the applicant at the time the permit is granted. The plans shall include complete details about the size of the sign, the method of attachment or support, locations and materials to be used, and the name, address and profession of the person designing the plans and specifications. If the Zoning Officer determines that the sign will be subject to excessive stresses, additional data shall be required, showing that supporting surfaces and other members of an existing building to which the sign is to be attached are in good condition and are adequately strong to support the load, including the proposed sign.

- A. The names, addresses, and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
- B. The location of the building, structure, or zoning lot on which the sign is to be erected or affixed.
- C. A sketch plan of the property involved, showing accurate placement thereon of the proposed sign.
- D. Two (2) blueprints or ink drawings of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, color, materials, and weight.
- E. If required by the Zoning Officer, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer, licensed by the State of Pennsylvania, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the Township.
- F. The written consent of the owner of the building, structure, or property on which the sign is to be erected or affixed.
- G. Such other information as the Zoning Officer may require to determine full compliance with this and other applicable ordinances of the Township.

1103.3 Issuance of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Ordinance and other applicable ordinances of the Township and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

1103.4 Expiration

If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void, unless otherwise extended by the Zoning Officer for a single additional ninety (90) day period.

1103.5 Permit Fees

Each sign required by this Ordinance requiring a sign permit shall pay a fee as established pursuant to a Resolution duly adopted by the Board of Supervisors.

1103.6 Inspections

All signs for which a permit is required shall be subject to the following inspections:

- A. Footer inspection on all free standing signs. However, the Zoning Officer may waive the required inspection for signs five (5) feet or less in height.
- B. Inspection of braces, anchors, supports and connections and wall signs.
- C. Site inspection to insure the sign has been constructed according to the approved application and valid sign permit.

1104 General Requirements**1104.1 Prohibited Signs**

All signs not expressly permitted or exempted under this Ordinance from regulation are prohibited in the Township. Such prohibited signs include, but are not limited to the following:

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in Section 1105 of this Ordinance.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under the Section 1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in Section 1105 of this Ordinance.
- C. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes, or through the impression of movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Ordinance.
- D. Portable and Wheeled Signs - Portable and Wheeled signs, except as a temporary sign, as provided for in Section 1105 of this Ordinance.
- E. Projecting Signs - Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto.

- F. Signs on Parked Vehicles - Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
- G. Signs on Utility Poles or Trees - Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation.
- H. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
- I. Emissions - No sign shall be permitted to emit any sound, odor or visible matter such as smoke.

1104.2 Exempt Signs

The following signs are hereby exempt from the provisions of this Ordinance, excepting for such instances where any sign listed herein is found to be unsafe or unlawful as provided for in other Sections of this Ordinance.

- A. Awning, Canopy, and Marquee Signs - Signs, not exceeding an aggregate gross surface area of four (4) square feet, indicating only the name of the activity conducted on the premises on which the sign is to be located and/or a brief generic description of the business being conducted by the activity. Advertising material of any kind is strictly prohibited on signs affixed to awnings, canopies, and marquees.
- B. Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed two (2) square feet for each exposed surface area.
- C. Directional or Instructional Signs - Signs, not exceeding four (4) feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
- D. Non-Commercial Signs - Flags, emblems, and insignia of political, professional, religious, educational, or fraternal organizations providing that such flags, emblems, and insignia are displayed for non-commercial purpose.
- E. Governmental Signs - Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties.
- F. Holiday Decorations - Signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to observance of the civic, patriotic, or religious holiday.
- G. Interior Signs - Signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater.
- H. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events that are non-commercial in nature.

- I. Name and Address Plates - Wall signs, one (1) per street frontage and not exceeding one and one-half (1.5) square feet in surface area, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- J. No Trespassing, No Hunting, No Fishing, No Dumping, No Parking, No Towing, and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four (4) square feet.
- K. Parking Lot Directional and Instructional Signs
- (1) Directional Signs - Signs designating parking area entrances and exits limited to one (1) sign for each entrance and/or exit and not exceeding four (4) square feet in gross surface area for each exposed face. Parking lot directional signs shall not project higher than five (5) feet in height, as measured from the established grade of the parking area to which such signs are accessory.
- (2) Instructional Signs - Signs designating the conditions of use or identity of parking areas and not exceeding eight (8) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- L. Patron Advertising Signs - Signs erected on the perimeter of an organizational sponsored youth athletic field for the sole purpose of sponsoring or contributing to the organized youth athletic sport. Signs erected for this purpose shall be one sided with a maximum of thirty-two (32) square feet of gross aggregate surface area. Sponsors advertising on score boards may not exceed twenty-five percent (25%) of the surface area of the score board.
- M. Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four (4) square feet in aggregate gross surface area.
- N. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties
- O. Government Signs - Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
- P. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles and/or trailers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.
- Q. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face not exceeding four (4) square feet in aggregate gross surface area.

- R. Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four (4) square feet in gross surface area for each exposed face not exceeding an aggregate gross surface area of eight (8) square feet on each machine.
- S. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- T. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.

1104.3 Construction Requirements

All signs permitted by this Ordinance shall be constructed in accord with the National Electrical Code and the North Abington Township Building Code and the provisions of this Section 1104.3.

- A. Obstruction to Exit - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- B. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.
- C. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight (8) feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.
- D. Clearance from Surface and Underground Facilities - All signs and supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage or surface or underground water.
- E. No Obstruction to Any Existing Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- F. Traffic Hazards - No sign shall be erected in such a way as to interfere with or to confuse traffic, to present any traffic hazard, or to obstruct the vision of motorists, and all signs shall comply with the clear sight triangle requirements of this Ordinance.
- G. Public Right-of-Way - No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign.

1104.4 Maintenance

Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose and dangling materials.

1104.5 Illumination

All signs permitted by this Ordinance may be illuminated in accord with the provisions of this Section 1104.5.

- A. Type of Illumination - Illumination may be by internal, internal indirect or by indirect means.
- B. Flashing - Flashing signs are prohibited in accord with Section 1104.1.
- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.
- D. Illumination of Buildings, Structures, and Areas
 1. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, to illuminate buildings, structures, outdoor sales areas, or outdoor storage area is prohibited except during the month of December for areas in which Christmas trees are offered for sale and on a temporary basis for areas in which carnivals, fairs, or other similar activities are held;
 2. A building or other structure may be illuminated, but all lighting used for this purpose must be designated, located, shielded, and directed in such a manner that the light source is fixed and not directly visible from any adjacent publicly dedicated roadway and surrounding property.

1104.6 Signs on Roof

No sign attached to a building shall be placed on nor shall extend above any part of the building roof.

1104.7 Awning, Canopy, and Marquee Signs

- A. Number - There shall not be more than one (1) awning, canopy, or marquee sign exceeding an aggregated gross surface area of four (4) square feet for each principal building. Awning, canopy, and marquee signs which are four (4) square feet or less in aggregate gross surface area are exempt from the provisions of this Ordinance, as specified in Section 1104.2(a).
- B. Area - The gross surface area of an awning, canopy, or marquee sign shall not exceed sixteen (16) square feet, but shall be limited to not more than fifty (50%) percent of the gross surface area of the face of the awning, canopy, or marquee to which such sign is affixed.
- C. Height - Any awning, canopy, or marquee sign shall not project higher than the top of the awning, canopy, or marquee to which such sign is to be affixed.
- D. Illumination - Only the face area of the letters or logos may be illuminated and all illumination must be internal behind the surface of the awning, canopy or marquee.
- E. Awning Valance - If sign letters or logos are placed on the awning valance, no letters or logos may be placed elsewhere on the awning.

1104.8 Changeable Panel Signs

One (1) changeable panel sign board may be erected on the lot containing one (1) or more commercial, manufacturing, industrial, public or semi-public use, referred to as *business* in this section, subject to the following:

- A. Type - The changeable panel sign shall be a ground sign or may be attached to the same support of the permitted business identification ground sign.

- B. Number - One (1) changeable panel sign may be erected on the business parcel identifying special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located.
- C. Area - The gross surface area of a changeable panel sign shall not exceed ten (10) square feet for each exposed face.
- D. Location - A changeable panel sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
- E. Height - If the changeable panel sign is separate from the main freestanding sign, the changeable panel sign may not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher. The changeable panel sign shall be separated by a minimum of twelve (12) inches from the main ground pole sign.
- F. Fuel Prices - Establishments engaged in the retail sale of fuel may also erect one additional changeable panel sign on the same frame as the main business identification sign to list fuel prices, and said sign shall not exceed six (6) square feet for each exposed face.

1104.9 Sign Faces

All signs may be multi-faced.

1104.10 Window Signs

Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- F. Location - Signs on or inside the windows of a business are permitted, but no signs are permitted in unglazed openings, and any interior sign placed within three (3) feet of the window pane shall be considered a window sign.
- G. Area - No more than twenty five percent (25%) of any window pane that is more than three (3) feet in any dimension may be used for such signs. The area of any business identification sign shall be deducted from the total sign area allowed for the use on the property and the total of all window signs shall not exceed fifty (50) percent of the total sign area allowed for the entire business use.
- H. Sign Copy - Sign copy shall be limited to business identification and a graphic symbol or any combination thereof, or signs advertising products or services available on the premises.
- I. Illumination - Window signs may be internally illuminated

1104.11 Freestanding Sign Landscaping

All freestanding business and residential identification signs shall be placed in a landscaped area of not less than four (4) square feet of landscaping for one (1) square foot of sign area, but in no case less than one hundred and twenty (120) square feet.

1104.12 Sign Design

Signs shall be architecturally integrated with the design of the building and landscaping for the property, and other signs on the property.

1104.13 Flags

Flags shall be permitted for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, subject to the following:

- A. Business Identification - The flag shall identify the business.
- B. Flag Pole - The flag shall be suspended from a pole and the maximum height shall be thirty-six (36) feet. The flag pole shall be placed within a landscaped setting of not less than one (1) square foot for every one (1) foot of each flag pole
- C. Area - The maximum area of the flag shall be twenty-four (24) feet, however this shall not apply to the United States Flag or the Commonwealth of Pennsylvania Flag.
- D. Government Flags - Governmental flags provided for elsewhere in the Ordinance are not restricted by the provisions of this Section.

1104.14 Wall Signs

Wall signs as permitted by this ordinance shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six (6) inches from the wall, nor above or beyond the top and ends of the wall.

1105 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this Section 1105..

1105.1 General Conditions

- A. Permit Required - No person shall erect, construct, repair, alter, or relocate within the Township any temporary sign, except real estate and temporary construction signs, without first obtaining a permit from the Zoning Officer.
- B. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
- C. Illumination - Temporary signs may be illuminated in accord with this Ordinance.
- D. Sign Types - Temporary signs shall be limited to non-projecting wall signs, attached ground signs, or portable and wheeled signs

1105.2 Temporary Business Signs

Temporary business signs in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - There shall not be more than two (2) permits for temporary business signs issued for the same premises within one (1) calendar year. Each temporary business sign permit may be erected and maintained for a period not to exceed thirty (30) days and shall be removed within three (3) days of the termination of the activity, service, project, or sale. Or, alternatively, a temporary business sign permit may be applied for a maximum of five (5) times during one (1) calendar year for the same premises; each permit shall be issued for a maximum of seven (7) days. It is expressly stated that temporary business sign permits shall be issued under one method or the alternative and that the methods may not be used jointly or in combination during any one (1) calendar year.

- B. Area - Temporary business signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face.
- C. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary business signs shall not project higher than fifteen (15) feet, as measured from the average grade of the associated principal use or structure.

1105.3 Temporary Development Signs

Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- A. Number - There shall not be more than one (1) temporary, construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.
- B. Area
 - 1. Residential Districts - In residential districts, temporary construction signs shall not exceed eight (8) square feet in gross surface area for each exposed face.
 - 2. Non-Residential Districts - In non-residential districts, temporary construction signs shall not exceed sixteen (16) square feet in gross surface area for each exposed face.
- C. Location - Temporary construction signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required yard setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
- D. Height - Temporary construction signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- E. Special Conditions - Temporary construction signs shall be permitted only as accessory to an approved building permit for a project or development. Temporary construction signs may be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

1105.4 Temporary Event Signs (including Banners)

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

- A. Number, Area, Height, and Location - The permitted number, area, height, location, and construction of temporary event signs shall be determined by the Zoning Officer with consideration given to the public intended purpose. In any event, no sign shall exceed sixteen (16) square feet for each exposed face.
- B. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days

prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within three (3) days of the termination of such campaign, drive, activity, or event.

- C. Limit on Number of Permits - No more than two (2) permits for temporary event signs shall be issued for the same premises within one (1) calendar year.

1105.5 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

- A. Location - On private property, temporary political signs may be located in any required yard, but shall not be attached to any tree, vegetation or utility pole.
- B. Height - Temporary political signs shall not project higher than fifteen (15) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- C. Timing - Temporary political signs may be erected or maintained for a period not to exceed sixty (60) days prior to the date of the election to which such signs are applicable and shall be removed within seven (7) days following such election. The candidate is responsible for all political signs of candidates of the party if they are located in the public right-of-way.

1105.6 Temporary Real Estate Signs

Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary real estate sign for each lot except that where a lot abuts two (2) or more streets, one (1) additional sign, oriented to each abutting street, shall be permitted.
- B. Area
1. Residential Districts - In all residential districts, temporary real estate signs shall not exceed six (6) square feet for each exposed face.
 2. Non-Residential Districts - In non-residential districts, temporary real estate signs shall not exceed sixteen (16) square feet for each exposed face.
- C. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary real estate signs shall not project higher than fifteen (15) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- E. Special Conditions - Temporary real estate signs shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.

1105.7 Temporary Contractor or Subcontractor Signs

Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
- B. Area - Temporary contractor or subcontractor signs shall not exceed four (4) square feet for each exposed face.
- C. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is working. Such signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not project higher than ten (10) feet, as measured from the base of the sign or grade of the nearest adjacent roadway, whichever is higher.
- E. Special Conditions - Temporary contractor or subcontractor signs shall be removed immediately upon completion of the contractor's or subcontractor's work.

1105.8 Temporary Yard or Garage Sale, Open House, or Auction Signs

Temporary yard sale or garage sale, open house, or auction signs advertising the sale of items and the sales location shall be subject to the following:

- A. Number - There shall not be more than three (3) such temporary signs for each location of a sale.
- B. Area - In all zoning districts no such temporary signs shall exceed four (4) square feet in size.
- C. Location - Such temporary signs may not be located within the street or road right-of-way. No such sign may be placed on a utility or municipality owned pole or structure. Any such temporary signs shall be self-supported and shall not create a public hazard.
- D. Height - Such temporary signs shall not exceed four (4) feet in height.
- E. Timing - Such temporary signs may be erected no sooner than seven (7) days before the event and must be removed no later than three (3) days after the event. No such sign shall remain erected for a period longer than ten (10) days.

1106 Residential Uses

For all residential uses, only the following signs are permitted and then only if accessory and incidental to a permitted residential use.

1106.1 Building Name and Address Signs

Name and address signs of buildings containing six (6) or more residential units indicating only the name of the building, the name of the development in which it is located, the management thereof, and/or address of the premises shall be subject to the following:

- A. Type - Building name and address signs may be either wall signs or ground signs.
- B. Number - There shall not be more than one (1) name and address sign for each building except that where a building abuts two (2) or more streets, one (1) additional sign oriented to each abutting street shall be permitted.
- C. Area - Building name and address signs shall not exceed four (4) square feet in area for exposed face.

- D. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within fifteen (15) feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs, as measured from base of sign or building to which the sign is to be affixed or grade of the nearest adjacent roadway whichever is higher.

1106.2 Residential Development Road Entrance Signs

Residential development road entrance signs for developments with two (2) or more buildings with a total of twenty (20) or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

- A. Type - The residential development road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development
- C. Area - Residential development road entrance signs shall not exceed twenty-four (24) square feet in gross surface area.
- D. Location - Residential development road entrance signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Residential development road entrance signs shall not project higher than five (5) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- F. Sign Faces - Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1106.3 Exempt Signs

Exempt signs as specified in Section 1104.2 of this Ordinance.

1106.4 Temporary Signs

Temporary signs as specified in Section 1105 of this Ordinance.

1107 Commercial, Manufacturing, Public Use And Semi-public Use Signs

For all commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, only the following signs are permitted and then only if accessory and incidental to a permitted use, and such signs shall be subject to the requirements of this Section 1107 and any other special provisions contained in this ordinance:

1107.1 Individual Business Identification Signs

The provisions of this Section 1107.1 shall apply to parcels upon which an individual business is located.

A. Building Wall Signs

1. Number - There shall be not more than one (1) wall sign for each principal building except that where the building abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
 2. Area - The surface area of a wall sign shall not exceed ten (10) percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.
 3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
 4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.
- B. Freestanding Business Identification Signs - Freestanding business identifications signs shall be subject to the following:
1. Number - There shall not be more than one (1) freestanding business identification sign for each lot.
 2. Area - The surface area of a freestanding business identification sign shall not exceed fifty (50) square feet.
 3. Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
 4. Height - A freestanding business identification sign shall not project higher than fifteen (15) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.

1107.2 Shopping Center and Multiple Occupant Business Identification Signs

The provisions of this Section 1107.2 shall apply to developments in which two (2) or more businesses are housed in one (1) or more a principal structures.

A. Building Wall Signs

1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
2. Area - The surface area of a wall sign shall not exceed ten (10) percent of the occupant's proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed or sixty-four (64) square feet, whichever is smaller. The surface area of a wall sign may be increased by ten (10) percent if such wall sign consists only of individual, outlined alphabetic, numeric, and/or symbolic characters without background, except that provided by the building surface to which the sign

is to be affixed, and if illuminated, such illumination is achieved through shielded spot lighting, but not any lighting where the light source is visible or exposed on the face or sides of the characters.

3. Location - A wall sign may be located on the outermost wall of any principal building. The location and arrangement of all wall signs shall be subject to the review and approval of the Zoning Officer.
 4. Height - A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or fifteen (15) feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.
- B. Freestanding Business Identification Signs - Freestanding business identifications signs may be ground signs or monument signs used solely for the identification of the development and shall be subject to the following:
1. Number - There shall not be more than one (1) freestanding business identification sign for each development.
 2. Area - The surface area of a freestanding business identification sign shall not exceed a maximum of fifty (50) square feet.
 3. Location - A freestanding business identification sign shall maintain side and rear yard setbacks, and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway.
 4. Height - A freestanding business identification sign shall not project higher than fifteen (15) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
 5. Individual Occupant Identification - The freestanding business identification sign shall not contain the name of any individual business occupant of the premises unless such tenant or occupant occupies thirty percent (30%) or more of the total development. Each freestanding business identification sign may include affixed directly to it a directory indicating only the names of the business occupants of the development in which the sign is to be located. The directory shall include the names of all business tenants/occupants on one sign and shall not be comprised of individual signs. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face for each occupant in the development.

1107.3 Business Subdivision Road Entrance Signs

Business subdivision road entrance signs for developments with two (2) or more commercial, manufacturing, industrial, public and semi-public buildings, referred to as *business* in this section, indicating only the name of the development shall be subject to the following:

- A. Type - The business subdivision road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development
- C. Area - Business subdivision road entrance signs shall not exceed twenty-four (24) square feet in gross surface area.
- D. Location - Business subdivision road entrance signs may be located in any required yard, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The

location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.

- E. Height - Business subdivision road entrance signs shall not project higher than five (5) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.
- F. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1107.4 Automatic Teller Machine (ATM) Signs

ATM signs shall be permitted in association with an approved commercial use subject to the following:

- A. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- B. Area - The area of any such sign shall not exceed ten (10) feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signage not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.
- C. Permit - No sign permit shall be required for such sign.

1107.5 Agricultural Seasonal Business Directional Signs

The intent of this section is to allow seasonal agricultural businesses selling agricultural commodities as defined by the PA Right to Farm Law, to erect signs directing the public to the use.

- A. Number - There shall not be more than eight (8) directional signs for each parcel of land eligible for such signs. In other words, in the case of multi-businesses on the same parcel, each business shall not be eligible for signs; instead, the directional signs shall refer to the parcel as a whole.
- B. Area - The surface area of each sign shall not exceed six (6) square feet for each exposed face.
- C. Height - A directional sign shall not project higher than ten (10) feet, as measured from the average grade at the base of the sign or the grade of the nearest adjacent roadway, whichever is lower.
- D. Sign Information - The information on the sign shall be limited to the business name, logo, telephone number and directional information.
- E. Property Owner Permission - The person making application for the erection of a business directional sign shall provide a written statement of permission signed by the owner of the property upon which the sign is proposed.
- F. Time Limit - The placement of directional signs shall be limited to a total of one hundred and twenty (120) days out of each calendar year in any combination of days.
- G. Annual Permit - An annual permit shall be required for the placement of the directional signs and which shall establish the number, location and time periods when the signs will be erected.

1108 Reserved**1109 Off-premises Advertising Signs and Billboards**

The intent of this Section 1109 is to limit the number, size and location of off-premises advertising signs and billboards to reduce visual clutter in the Township, prevent the distraction of drivers, and maintain the character of the community. Off-premises advertising signs and billboards, as defined in Article II, may be erected and maintained only in C-1 Districts in accord with the requirements of this Section 1109 and all other applicable requirements of this Zoning Ordinance, and applications for such signs shall be considered conditional uses.

1109.1 Exchange

The erection of an off-premises advertising sign or billboard shall not be permitted unless an off-premises advertising sign or billboard of equal or greater size is removed from another location in the Township.

1109.1 Principal Use

Off-premises advertising signs and billboards shall be considered principal uses and shall not be permitted on a lot with any other principal use.

1109.3 Illumination

Off-premises advertising sign or billboard may be illuminated, but flashing lights or devices and animation shall be prohibited.

1109.4 Setbacks

The applicable zone district setbacks for principal structures shall be maintained. for off-premises advertising signs and billboards.

1109.5 Height of Signs

No off-premises advertising sign or billboard shall project above the maximum height limit for buildings or other structures for the Zone District in which the sign is located. The height of the sign shall be measured from the base of the support structure. (See Table 2 in Article IV for maximum height limits).

1109.6 Maximum Area of Off-Premises Advertising Signs and Billboards

- (a) The maximum area for any one off-premises advertising sign or billboard shall not exceed three hundred (300) square feet with a maximum height of twelve (12) feet and a maximum length of twenty-five (25) feet.
- (b) A sign structure shall contain only one (1) sign per facing.

1109.7 Spacing of Off-Premises Advertising Signs and Billboards:

- (a) No off-premises advertising sign or billboard shall be permitted within one thousand (1,000) feet of another off-premises advertising sign or billboard, measured in all directions. The separation distance shall be measured between the closest points of the two (2) signs in question.
- (b) No off-premises advertising sign or billboard shall be permitted within three hundred (300) of any dwelling or Residential District in the Township or any adjoining municipality. The separation distance shall be measured between the closest points of the proposed sign and the residential lot or residential District in question.
- (c) No off-premises advertising sign or billboard shall be permitted within five hundred (500) feet of any park, recreational area, trail system, public or parochial school, municipal building, library, church, hospital, or

similar institutional use. The separation distance shall be measured between the closest points of the proposed sign and the parcel of land on which the building or use in question is located.

- (d) No off-premises advertising sign or billboard shall be erected within two hundred (200) feet of the public street intersection. The separation distance shall be measured between the closest point of the proposed sign and the nearest intersection of the right-of-way lines of the streets in question.
- (e) No off-premises advertising sign or billboard shall be constructed parallel to, or at an angle of less than forty-five (45) degrees to the right-of-way upon which it faces.

1109.8 Engineering Certification

Any applications for an off-premise advertising sign or billboard shall be accompanied by certification under seal by a Professional Engineer registered in the Commonwealth of Pennsylvania that the sign as proposed will not present a structural safety hazard.

1110 Nonconforming Signs

1110.1 Legal, Non-Conforming Signs

Any sign lawfully existing or under construction on the effective date of this Ordinance, which does not conform to one (1) or more of the provisions of this Ordinance, may be continued in operation and maintained as a legal non-conforming sign subject to compliance with the requirements of 1110.3.

1110.2 Maintenance and Repair of Legal Non-Conforming Signs

Normal maintenance of legal non-conforming signs, including changing of copy, necessary repairs, and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted. However, no alteration, enlargement, or extension shall be made to a legal non-conforming sign unless the alteration, enlargement, or extension will result in the elimination of the non-conforming features of the sign. If a legal non-conforming sign is damaged or destroyed by any means to the extent of fifty (50%) percent or more of its replacement value at the time, the sign may not be rebuilt to its original condition and may not continue to be displayed.

1111 Removal of Certain Signs

1111.1 Obsolete Signs

Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be removed within ninety (90) days upon the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. If the Zoning Officer shall find that any such sign advertising a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located has not been removed within ninety (90) days upon the cessation of such business or sale of such product, he shall give written notices to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be affected within ten (10) days after receipt of the notice from the Zoning Officer. If such sign is not removed after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.

1111.2 Unsafe Signs

If the Zoning Officer shall find that any sign is unsafe or insecure, or is a menace to the public, he shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction to the condition which caused the Zoning Officer to give such notice shall be effected within ten

(10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Zoning Officer is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

ARTICLE XII ADMINISTRATION

1200 Applicability

1200.1 Conformance

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

1200.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania municipalities Planning code, as amended.

1200.3 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Zoning Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement or extension of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

1200.4 Repairs and Maintenance

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provide such activity does not involve 1) a change in use; 2) an expansion, construction or placement of a structure; 3) an increase in the number of dwelling units or boarding house units; and/or any other activity regulated by this Ordinance.

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within ninety (90) days of receiving a proper and complete application for a principal permitted use (permitted by right), the Zoning Officer shall either:

- A. Issue the permit under this Ordinance; or,
- B. Refuse the permit, indicating at least one applicable reason in writing to the applicant or his/her representative

1201.2 Reviews

Certain activities require review and/or approval of the Zoning Hearing Board and/or of the Board of Supervisors, and/or the recommendations of the Planning Commission. In such case, the Zoning Officer shall not issue a Zoning Permit until such required review or approval occurs.

1201.3 Appeal

See §1205.2 which describes processes to appeal actions of the Zoning Officer to the Zoning Hearing Board.

1201.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait thirty (30) days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this thirty (30) day appeal period shall be at the risk of the applicant. (See occupancy permit process in §1202.7)

1202 Permits and Certificates

1202.1 Applicability See §1200.

1202.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) - If a use is listed as a principal permitted use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Special Exception Use or Application Requiring a Variance - A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- C. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

1202.3 Applications

- A. Applications - Any request for a decision, interpretation or variance by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made in writing on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - Unless waived by the Zoning Officer, five (5) copies of a site plan and supporting documents shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two (2) copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include the following information.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this §1202.3 shall be provided by the applicant. However, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by this section. However, a plot plan, as required by this Subsection C, shall not generally be required unless the

Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
4. If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths
 - j. Existing and proposed man-made and/or natural features:
 1. Water courses, lakes and wetlands (with names).
 2. Rock outcrops, ledges and stone fields.
 3. Buildings, structures, signs and setbacks required by the Zoning Ordinance.
 4. Approximate location of tree masses.
 5. Utility lines, wells and sewage system(s).
 6. Entrances, exits, access roads and parking areas including the number of spaces
 7. Drainage and storm water management facilities.
 8. Plans for any required buffer plantings
 9. Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100 year flood zones.
8. Tract boundaries accurately labeled.
9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
11. A statement of the type of water supply and sewage disposal proposed.

12 The present zoning district and major applicable lot requirements.

- D. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- E. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article III.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the Lackawanna County Regional Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- G. Subdivision Approval - Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to §1202.7 of this Ordinance.

1202.4 Issuance of Permit

- A. At least two (2) copies of any permit required under this Ordinance shall be made.
- B. One (1) copy of any such permit shall be retained in Township files and one (1) copy shall be retained by the applicant. A copy of any such permit shall be shown by the applicant to the Zoning Officer upon the Zoning Officer's request.
- C. The Zoning Officer shall issue or deny a permit for a principal permitted use within a maximum of ninety (90) days after a complete, duly filed application and fees are submitted.
- D. No owner, contractor, worker or other person shall perform building or construction activity of any kind regulated by this Ordinance unless a valid zoning permit has been issued for such work, nor shall such persons conduct such work after notice that a zoning permit has been revoked.

1202.5 Revocation of Permits

The Zoning Officer shall revoke a permit or approval issued under the provisions of the Zoning Ordinance in case of:

- A. Any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based: (The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties); or,
- B. Upon violation of any condition lawfully imposed upon a special exception, variance or conditional use; or,
- C. Any work being accomplished or land or structures being used in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; or,
- D. For any other just cause set forth in this Ordinance.

If a zoning permit is revoked, the person holding the permit shall immediately surrender such permit and all copies to the Zoning Officer.

1202.6 Changes to Approved Plans

- A. After the issuance of a permit and/or approval under this Ordinance by the Township, such approved application shall not be changed without the written consent of the Township, as stated in subsection "B" below.
- B. Changes to an approval by the Zoning Hearing Board as a special exception use or variance, or by the Board of Supervisors as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
- C. A copy of such adjustment or correction shall be provided in writing to the Chairperson of the Planning Commission, the President of the Board of Supervisors or the Chairperson of the Zoning Hearing Board if the change concerns a plan approved by such bodies.

1202.7 Certificate of Use and Occupancy (or "Occupancy Permit")

- A. A Certificate of Use and Occupancy shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use and Occupancy shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- B. An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within ten (10) days of a properly submitted and duly filed application. A minimum of one (1) copy shall be retained in Township records.
- C. The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, then the Certificate of Use and Occupancy shall be issued.
- D. The applicant shall show a valid Certificate of Use and Occupancy to the Zoning Officer upon request.

1203 Fees

1203.1 Application Fees

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1203.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1204 Zoning Officer

1204.1 Appointment

The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the State Planning Code.

1204.2 Duties and Powers

The Zoning Officer shall:

- A. Administer the Zoning Ordinance.
- B. Provide information to applicants regarding required procedures.
- C. Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance.
- D. Receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance.
- E. Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances and special exceptions granted by the Zoning Hearing Board, of conditional uses approved by the Board of Supervisors, of complaints received, of inspections made, of reports rendered, and of notice or orders issued. All such records shall be the property of the Township.
- F. Make all required inspections and perform all other duties as called for in this Ordinance.
- G. Not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Township known to the Zoning Officer.

1204.3 Qualifications

Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.

- A. The person shall demonstrate a working knowledge of zoning.
- B. The person shall have one of the following combinations of education and experience:
 1. An high school diploma or equivalent and a minimum of four (4) years responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances;
 - or,
 2. An high school diploma or equivalent and two (2) additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a field such as law enforcement, community planning and/or public administration) and a minimum of two (2) years

- responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances; or,
3. A college or university Bachelor's degree in a field related to zoning (such as law enforcement, community planning and/or government administration) and a minimum of 8 months responsible experience in administering and enforcing municipal zoning and/or subdivision and land development ordinances.
- C. The person shall be familiar with Constitutional issues concerning search and seizure and with the process of filing actions with the District Justice.
 - D. The person shall exhibit an ability to thoroughly evaluate site plans and building plans.
 - E. The person shall demonstrate excellent oral and written communication skills.
 - F. The person shall be familiar with the PA Municipalities Planning Code.

1204.4 Other Township Officials

Police officers, firefighters, construction inspectors, other Township staff and Township officials and the general public may report possible zoning violations to the Zoning Officer for his/her determination.

1205 Zoning Hearing Board

1205.1 Appointment and Qualifications

- A. Appointment - The Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members and alternate members with such powers and authority, and which shall conduct all proceedings as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended.
- B. Recommended Qualifications - Each Zoning Hearing Board member should:
 1. Demonstrate a working knowledge of zoning prior to appointment.
 2. Become familiar with the PA Municipalities Planning Code.
 3. Attend at least one (1) seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.
- C. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members. See §905 of the PA Municipalities Planning Code.
- E. Organization.
 1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 2. Quorum - For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate

members, serving as permitted by the PA Municipalities Planning Code.

3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

1205.2 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 (Curative Amendments) and §916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
- E. Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this Ordinance.
- F. Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.
- H. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

1206 Zoning Hearing Board – Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the following:

1206.1 Notice of Hearings

Notice of all hearings of the Board shall be given as follows:

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address

of the matter to be considered.

- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. Such notice shall state the time and place of the hearing and a general description of the request.
- C. Persons Given Notices - Other notice may be given in accord with the policies and procedures adopted by the Zoning Hearing Board
- D. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

1206.2 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. (Note-Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
- B. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

1206.3 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

1206.4 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

1206.5 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

1206.6 Communications Outside of Hearings

- A. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.
- B. The Board shall not take notice of any communications, reports, staff memoranda, or other materials

directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.

1206.7 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

1206.8 Initiation of Hearings

A hearing required under this Ordinance shall be initiated within sixty (60) days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time. A request for a hearing by an applicant shall not be accepted prior to submission of a duly filed application.

1206.9 Decision/Findings

- A. The Board shall render a written decision or make written findings (when no decision is called for) on each application within forty-five (45) days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
- B. The decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
- C. Any conclusion based on any provision of the PA Municipalities Planning Code or of this Ordinance shall contain a section reference to that specific provision.

1206.10 Notice of Decision

A copy of the final decision or a copy of the findings (when no decision is called for), shall be personally delivered or mailed to the applicant or his or her representative at their last known address not later than the day following its date in accord with §908(10) of the PA Municipalities Planning Code. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

1206.11 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least ten (10) days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

1207 Variances

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

1207.1 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. The applicant shall have the burden of proof to show compliance with such standards. As of 1993, the Municipalities Planning Code provided that all of the following findings must be made, where relevant in a particular case:

- A. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located; and,
- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Such unnecessary hardship has not been created by the appellant; and,
- D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare; and,
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1207.2 Re-Application

The Zoning Officer shall refuse to accept a proposed application that is not materially or significantly different from an appeal on the same property that was denied by the Board within the previous year.

1207.3 Variance Conditions

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1208 Conditional Uses and Special Exceptions

1208.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §1208.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

1208.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §1208.4 and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall be treated as principal permitted uses unless said expansion or addition involves an increase of more than twenty-five (25) percent of the floor area or lot area devoted to the use, as measured cumulatively from the effective date of this provision, in which case conditional use approval shall be required. The addition of an accessory structure shall not be considered a conditional use provided such accessory structure is less than twenty-five (25) percent of the floor area of the principal permitted structures on the parcel.

B. Procedure

1. Submission - The applicant shall submit the application as follows:
 - a. Five (5) complete copies of any required plan shall be submitted to the Zoning Officer.
 - b. The Zoning Officer shall refuse to accept an incomplete application which does not provide sufficient information to determine compliance with this Ordinance.
2. Distribution - The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of one (1) copy shall be retained in the Township files. The Township Fire Company should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
3. Zoning Officer Review - The Zoning Officer shall report in writing or in person to the Planning Commission or the Board of Supervisors stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
4. Planning Commission - The Planning Commission shall be given an opportunity to review the conditional use application and submit a recommendation to the Board of Supervisors.
5. Board of Supervisors Action
 - a. Prior to rendering a decision, the Board of Supervisors shall conduct a public hearing on the application. Such hearing shall be conducted pursuant to public notice within sixty (60) days from the date of the applicant's request for a hearing.
 - b. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provision of the PA Municipalities Planning Code or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.
 - c. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to hold the required hearing within sixty (60) days from the date the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the public record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so.
 - d. In granting a conditional use, the Board of Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

- e. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.

1208.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in §1208.4.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall be considered principal permitted uses unless said expansion or addition involves an increase of more than twenty-five (25) percent of the floor area or lot area devoted to the use, as measured cumulatively from the effective date of this provision, in which case special exception approval shall be required. The addition of an accessory structure shall not be considered a special exception provided such accessory structure is less than twenty-five (25) percent of the floor area of the principal permitted structures on the parcel.
- B. Procedure
 1. All applicants for a special exception use shall submit five (5) sets of plans for the proposed use to the Zoning Officer together with a written application. Photographs of the existing site or buildings may also be requested to be presented by the applicant.
 2. All plans shall contain the information required in §1208.6.
 3. Township Procedures.
 - a. The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission and the Zoning Hearing Board solicitor. A minimum of one (1) copy shall be retained in the Township files.
 - b. The Zoning Officer shall, prior to the Zoning Hearing Board hearing where the application will be discussed, review the Plan to determine compliance with this Ordinance and be prepared to report these findings to the Zoning Hearing Board at the hearing.
 4. Planning Commission Review of Special Exception Uses.
 - a. The Planning Commission may be provided with an opportunity to review any proposed special exception use at a regular meeting prior to a decision by the Zoning Hearing Board. The Commission, at its option, may provide a written advisory review.
 - b. If such review is not received within the time limit within which the Board must issue a decision, or within thirty (30) days of such application being sent to the Planning Commission, then the Board may make a decision without having received comments from the Planning Commission.
 5. Zoning Hearing Board Action on Special Exception Uses.
 - a. The Board shall hear and decide such request for a special exception use under the procedures of this Ordinance and the State Planning Code.
 - b. The Board shall schedule the first hearing within sixty (60) days of submission of a proper

application, unless granted a written extension by the applicant. The Board shall issue a decision within forty-five (45) days after the conclusion of the final hearing on the matter.

- c. The decision of the Board shall be in writing and shall be communicated to the applicant or their representative in accordance with this Ordinance.

1208.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of the Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this Ordinance and all other ordinances of the Township.
- B. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- E. In reviewing an application, the following additional factors shall be considered:
 1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of storm water and drainage facilities storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with

susceptibility to ponding, flooding and/or erosion.

- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1208.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

1208.6 Information Required

The applicant shall supply the information required by §1202.3 of this Ordinance and evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1209 Time Limits on Permits and Variances.

1209.1 Zoning Permit

After a variance is approved or a conditional or special exception approval is officially authorized under this Ordinance, then a Zoning Permit shall be secured by the applicant within twelve (12) months of issuance of the permit, otherwise, such approval shall be deemed null and void and the developer shall be required to submit another application for the same.

1209.2 Extension

For good cause the Zoning Officer may, upon application in writing stating the reasons therefore, extend in writing the 12-month application period to up to eighteen (18) months.

1209.3 Expiration

If an applicant fails to obtain the necessary permits within the above time period, or after obtaining the permit fails to diligently commence substantial construction within twelve (12) months or allows interruptions in substantial of longer than six (6) months, it shall be conclusively presumed that the applicant has waived, withdrawn or abandoned the approval, and all such approvals, variances and permits shall be deemed automatically rescinded.

1209.4 Completion

Any building construction shall be completed within eighteen (18) months of issuance of an applicable permit, unless a written extension is granted by the Zoning Officer for good cause. Otherwise, a permit shall be considered to have automatically expired at the end of such eighteen (18) month period.

1210 Mediation

Parties to proceedings authorized by this Ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

1211 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1211.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than thirty (30) days after the decision by the Zoning Officer that is being appealed has been officially issued, or appeal with the County Court of Common Pleas later than thirty (30) days after a decision of the Zoning Hearing Board has been officially issued, except as may be provided under §914.1 of the PA Municipalities Planning Code.

1211.2 Reserved**1211.3** Subdivision or Land Development Approval

The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

1212 Appeals to Court and Other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

1213 Public Utility Exemptions

See §619 of the PA Municipalities Planning Code.

1214 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1215 Amendments

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

1216 Violations**1216.1** Compliance

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use and occupancy, shall be violations of this Ordinance.

1216.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.

1216.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §1216.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §1216.3
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- F. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

1217 Penalties and Remedies

1217.1 Causes of Action

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may

institute (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1217.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

1218 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the floodplain, site plan review, subdivision or land development approval erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto

If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit for valid cause shown.

ARTICLE XIII AIRPORT OVERLAY DISTRICT

1300 Introduction and Intent

1300.1 Introduction

This Article XIII applies to the *Airport Overlay District* created by §401.5 of this Ordinance which includes all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by this Article XIII. In addition to all other applicable standards of this Zoning Ordinance the requirements of this Article XIII shall apply in the Airport Overlay District.

This Article XIII regulates and restricts the height to which structures may be erected or objects of natural growth are permitted to extend, and otherwise regulates the use of property in the vicinity of an airport regulated by this Article XIII by creating the appropriate zones and establishing the boundaries thereof; provides for changes in the restrictions and boundaries of such zones; and defines certain terms used herein.

The standards in this Article XIII shall also apply to any other existing or proposed airports in the Township.

1300.2 Intent

The intent of the *Airport Overlay District* is to regulate airport hazard zones in the Township. Activities at airports may limit the uses of the lands owned by others, and the uses of land in airport hazard zones may limit the operation of an airport. Therefore, the purpose of the overlay district is to provide procedures and criteria for balancing the rights of airport owners and landowners in the vicinity of airports, in light of the need for aircraft safety.

1301 Authority

In addition to the authority for zoning in general as authorized by the Pennsylvania Municipalities Code, the provisions of this Article XIII are adopted pursuant to the authority conferred by the Act of October 10, 1984, P.L. 8313, No. 164, of the General Assembly of the Commonwealth of Pennsylvania, as amended, known and cited as the *Aviation Code of Pennsylvania* and specifically that subchapter of the *Aviation Code* known as the *Airport Zoning Act*.

1302 Findings and Declaration of Policy

1302.1 Findings

It is hereby found that:

- A. An obstruction has the potential for endangering the lives and property of users of an airport regulated by this Article XIII and property or occupants of land in the vicinity;
- B. An obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of an airport regulated by this Article XIII ;
- C. That obstructions to aircraft concern the Federal Aviation Administration (FAA), and the Pennsylvania Department of Transportation, Bureau of Aviation (Bureau);
- D. That FAA and the Bureau have issued model regulations and guidelines for Townships to facilitate the control of obstructions to aircraft;
- E. That the regulation of these obstructions, upon lands not owned by the airport owner or operator, shall not adversely affect the right of neighboring landowners to reasonably use their lands within the reasonable height

limitations of the Zoning Ordinance;

- F. That the prevention of the creation or establishment of hazards to air navigation are public purposes necessary for the protection of the safety, health, and welfare of the residents of the Township and the traveling public.
- G. That expansion or changes at public airports in the Township may result in changes to airport hazard zones;
- H. That changes in airport hazard zones affect the rights of property owners to reasonably use or develop their land;
- I. That the character of the flying operations conducted at airports, the nature of the terrain within airport hazard zones, the character of the neighborhood, and the public interest, are all considerations needing protection by airport hazard zoning regulations;
- J. That any changes to airport hazard zones resulting in changes at airports shall be carefully reviewed for its affects upon neighboring landowners as well as for the safety of the aircraft; and
- K. That the regulation, restriction, or prohibition of uses, and structures at, along, or near public airports is an important function for which zoning and land use ordinances are enacted, and that a Township may require permits prior to changes in uses or structures at or near airports, and may enact reasonable regulations to protect the public health, welfare, safety, morals, and general welfare.

1302.2 Declaration of Policy

Accordingly, it is declared that:

- A. The creation or establishment of an obstruction has the potential of being a public nuisance and may injure the public health, safety and welfare;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and,
- C. The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the powers of the North Abington Township Supervisors.

1303 General Definitions

The definitions in this §1303 shall supplement the definitions in Article III of this Ordinance and shall apply to the requirements and standards of this Article XIII.

AIRCRAFT – Any contrivance used for manned ascent into or flight through the air.

AIRPORT – In general, any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. For the purposes of regulation, the term *airport* includes public airports but excludes private airports and heliports.

AIRPORT ELEVATION – In general, the highest point of an airport's usable landing area measured in feet above sea level. In the case of Seamans Field, the *airport elevation* is 1,196 feet above mean sea level.

AIRPORT HAZARD – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA -- Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Article and PA Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

AIRPORT ZONE MAP -- See *Height Limitation and Zoning District Map*.

APPROACH SURFACE -- A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in §1304 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES-- These zones are set forth in §1304 of this Ordinance.

BUREAU OF AVIATION -- Pennsylvania Department of Transportation, Bureau of Aviation.

CONICAL SURFACE -- A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet.

DEPARTMENT -- Pennsylvania Department of Transportation, Bureau of Aviation.

FAA -- Federal Aviation Administration of the United States Department of Transportation.

HEIGHT -- For the purpose of determining the height limits in all zones set forth in this Article and shown on the airport zone map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT LIMITATION AND ZONING DISTRICT MAP (also referred to as *airport zone map*) -- For any airport regulated by this Article XIII, the most current *Height Limitation and Zoning District Map* as published by the Pennsylvania Department of Transportation, Bureau of Aviation.

HORIZONTAL SURFACE -- A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

NONCONFORMING USE -- Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article or an amendment thereto.

NON-PRECISION INSTRUMENT RUNWAY -- A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION -- Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §1304 of this Ordinance.

PERSON -- An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRIMARY SURFACE -- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §1304 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

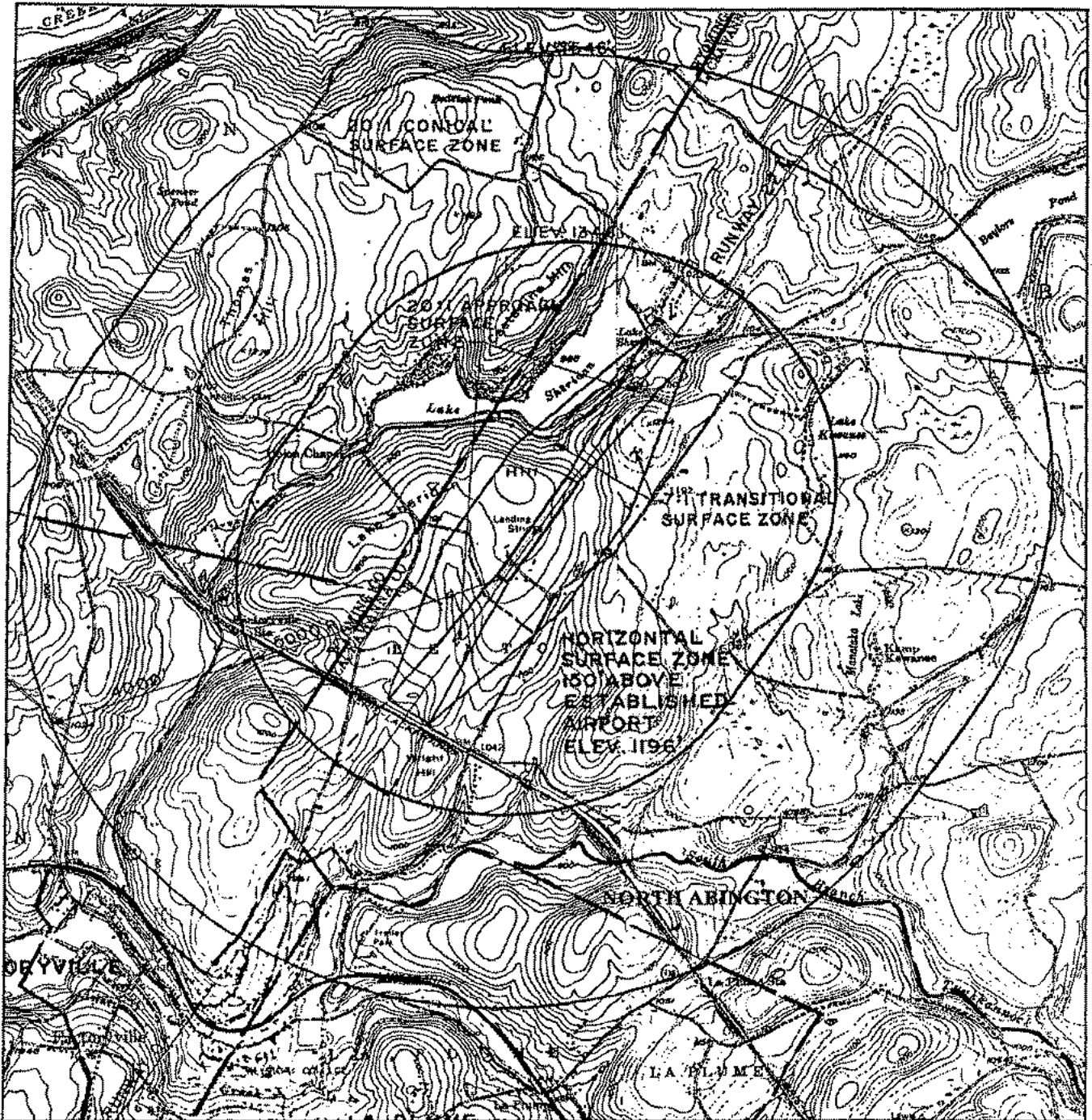


FIGURE 1 - SEAMANS FIELD AIRPORT SURFACE ZONES

RUNWAY – A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES – These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

UTILITY RUNWAY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

VEGETATION – Any object of natural vegetative growth.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

1304 Airport Surface Zones

In order to carry out the provisions of this Article XIII, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, primary surfaces, transitional surfaces, horizontal surfaces and conical surfaces as applied to airports as defined and regulated by this Article XIII. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. Should any airport be developed or any existing airport be upgraded beyond the zones included in this section, FAA criteria for the applicable classification shall apply.

The various zones are hereby established and defined as follows:

1304.1 Utility Runway Approach Surface Zones

- A. **Visual Approach Surface Zone** - Established beneath the visual approach surface. The inner edge of this zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide (125 feet on each side of the runway centerline). The zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. **Non-precision Instrument Approach Surface Zone** - Established beneath the non-precision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is five hundred (500) feet wide (250 feet on each side of the runway centerline). The zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

1304.2 Utility Runway Primary Surface Zone

The primary surface zone is longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface zone extends two hundred (200) feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface zone ends at each end of that runway.

- A. **Primary Surface Zone for Visual Approaches** - The boundary of this zone coincides with the primary surface and is two hundred and fifty (250) feet wide (125 feet on each side of the runway centerline).

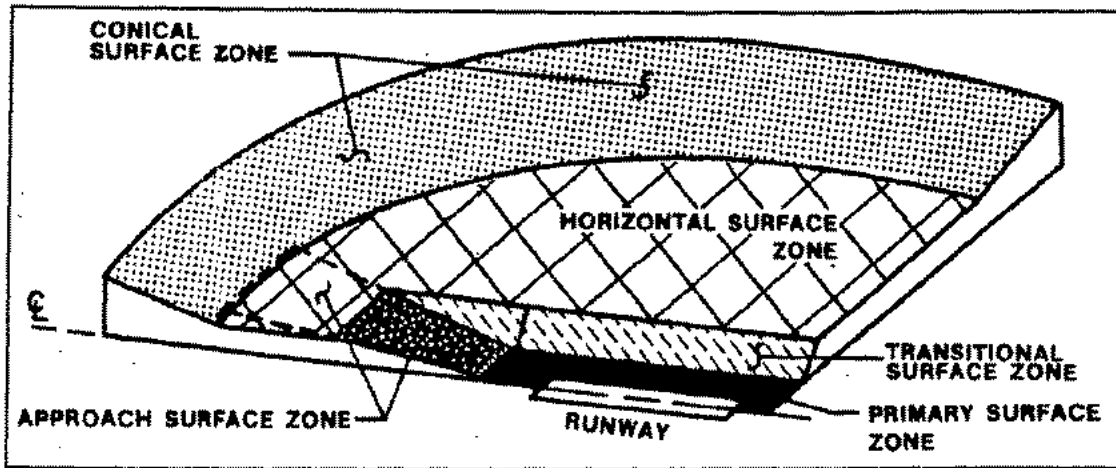


FIGURE 2 - ISOMETRIC VIEW OF AIRPORT SURFACE ZONES

- B. Primary Surface Zone for Non-precision Instrument Circling Approaches - The boundary of this zone coincides with the primary surface and is two hundred and fifty (250) feet wide (125 feet on each side of the runway centerline).
- C. Primary Surface Zone for Non-precision Instrument Straight-In Approaches -The boundary of this zone coincides with the primary surface and is five hundred (500) feet wide (250 feet on each side of the runway centerline).

1304.3 Transitional Surface Zone

Established beneath the transitional surfaces adjacent to each runway and approach surface as indicated on the Height Limitation and Zoning District Map.

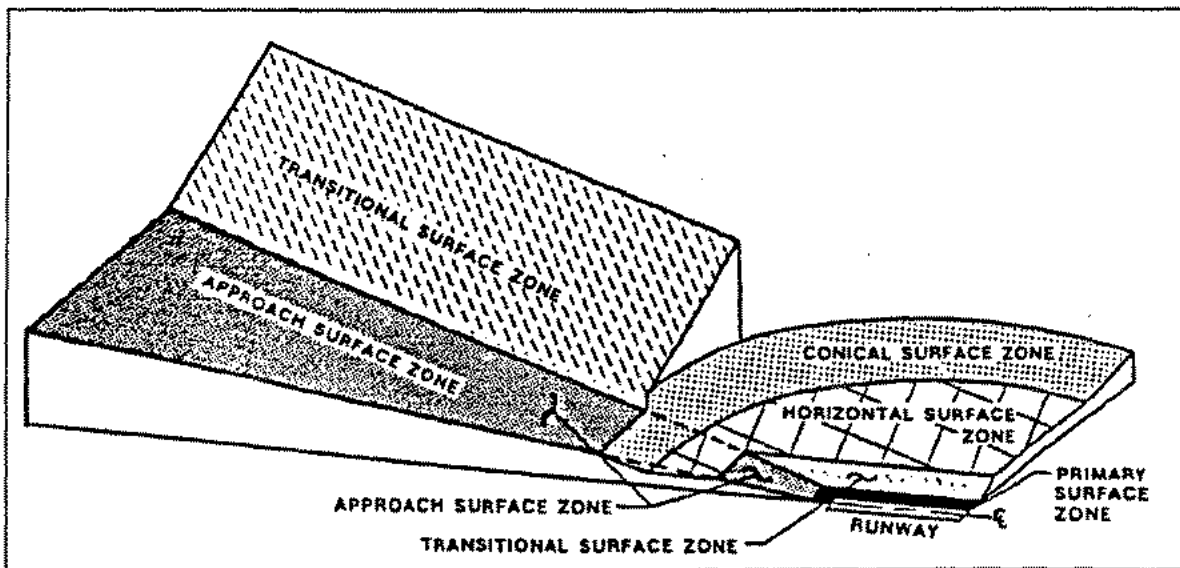


FIGURE 3 - EXTENDED ISOMETRIC VIEW OF AIRPORT SURFACE ZONES

1304.4 Horizontal Surface Zone

Established beneath the horizontal surface, one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal surface zone does not include the approach surface and transitional surface zones.

1304.5 Conical Surface Zone

Established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of four thousand (4,000) feet.

1305 Airport Surface Zone Height Limitations

Except as otherwise provided in this Article XIII, no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow in any zone created by this Article XIII to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1305.1 Utility Runway Surface Zones

- A. Visual Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.
- B. Non-precision Instrument Approach Surface Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) along the extended runway centerline.

1305.2 Primary Surface Zone

Established at the same height as the primary surface. The exception provided in §1305.6 shall not apply in the Primary Surface Zone.

1305.3 Transitional Surface Zones

Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation.

1305.4 Horizontal Surface Zone

Established at one hundred fifty (150) feet above the established airport elevation.

1305.5 Conical Surface Zone

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal surface and at one hundred fifty (150) feet above the established airport elevation and extending to a height of three hundred fifty (350) feet above the established airport elevation.

1305.6 Excepted Height Limitations

However, nothing in this Article XIII shall be construed as prohibiting the construction or maintenance of any structure, or growth of any vegetation to a height up to fifty (50) feet above the surface of the land, which is not otherwise prohibited by this Zoning Ordinance. This exception shall not apply in the Primary Surface Zone.

1306 Airport Zoning Requirements**1306.1 Use Restrictions — Electrical Interference, Lighting, Glare, Bird Hazards**

Notwithstanding any other provisions of this Article XIII, no use may be made of land or water within any zone established by this Article XIII in such a manner as to:

- A. Create electrical interference with navigational signals or radio communication between the airport and aircraft. This is not intended to preclude the normal use of household appliances such as for example, microwave ovens, televisions, portable telephones and computers.
- B. Make it difficult for pilots to distinguish between airport lights and others.
- C. Result in glare in the eyes of pilots using the airport, or impair visibility in the vicinity of the airport.
- D. Create bird strike hazards.
- E. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1306.2 Nonconforming Uses

- A. Regulations Not Retroactive - The regulations prescribed by this Article XIII shall not be construed to require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this Article XIII or governing predecessor ordinance, or otherwise interfere with the continuance of any nonconforming use, except as provided in §1307 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article XIII or governing predecessor ordinance, and is diligently executed.
- B. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the North Abington Township Board of Supervisors in accord with FAA or Bureau of Aviation guidelines or regulations to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport.

1307 Permits

The permits and variances required by this Article XIII shall be in addition to those required by Article VI of this Zoning Ordinance with respect to principal permitted uses, conditional uses, special exceptions and accessory uses. Applications for permits and variances required by this Article XIII may be submitted and considered concurrently with the application for any other such approval required and no permit shall be granted under the terms of this Article XIII unless any other permit required by other Articles of this Ordinance has been granted.

1307.1 Future Uses: Permits Required

Except as specifically provided in subsections A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no vegetation shall be permitted to exceed the established height limitation in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information for the Township to determine whether the resulting use, structure, or vegetation would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article XIII shall be granted unless a variance has been approved in accordance with this Article XIII.

Nothing contained in any of the exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any vegetation in excess of any of the height limits established by this Article XIII, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. However, a general zoning permit may be required pursuant to the other requirements of this Zoning Ordinance.

- A. Horizontal Zone and Conical Zone - In the area lying within the limits of the horizontal zone and conical zone, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such vegetation or structure would extend above the height limits prescribed for such zones.
- B. Approach Zones - In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such vegetation or structure would extend above the height limit prescribed for such approach zones.
- C. Transition Zones - In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit under this Article XIII shall be required for any vegetation or structure less than seventy-five (75) feet of vertical height above the ground, except when such vegetation or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
- D. Primary Surface Zones - No permit exemptions.

1307.2 Existing Uses

Before any nonconforming structure may be replaced, substantially altered or rebuilt or vegetation allowed to grow higher, a permit must be secured from the Township authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or vegetation to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

1307.3 Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Officer determines that any nonconforming vegetation or structure has been abandoned or discontinued as governed by Article IX of this Zoning Ordinance, no permit shall be granted that would allow such structure or vegetation to exceed the applicable height limit or otherwise deviate from this Article XIII.

1307.4 Procedures

- A. Application - The applicant for a permit shall, in addition to the other information required for zoning permits by this Zoning Ordinance, provide information detailing the height of the proposed structure, object or vegetation, the elevation of the proposed site, and a statement as to the compliance with the height limitations established by this Article XIII.
- B. FAA, Bureau of Aviation Filing - A person who plans to erect a new structure, to add to an existing structure, or to erect any object (natural or manmade) in the approach surface zone, the primary surface zone, or the transitional surface zone, or where the proposed object exceeds a height of fifty feet in the horizontal surface zone and conical surface zone, shall first obtain approval from both the FAA and the Pennsylvania Department of Transportation, Bureau of Aviation. If, in consultation with the Board of Supervisors and the Township Engineer, the Zoning Officer determines that any uncertainty exists as to the compliance with the height limitations of this Article XIII, the applicant shall be required to file Form AV-57 with the Bureau of Aviation; and File FAA Form

7460-1 with the FAA. Copies of the forms and responses shall be provided to the Zoning Officer. In cases where FAA or Bureau of Aviation regulations so require, the submission of a *Notice of Proposed Construction or Alteration* shall be mandatory. No application shall be considered as complete for consideration until required responses are received from the FAA and Bureau of Aviation. Any requirements of the FAA or Bureau of Aviation shall be a condition of approval of any variance or permit approval.

- C. Zoning Officer Action - In cases where FAA and Pennsylvania Department of Transportation, Bureau of Aviation action is required in accord with §1307.4,B, the Zoning Officer shall not issue a Zoning Permit unless and until written responses are received from both FAA and the Bureau of Aviation.
1. If the Bureau of Aviation and the FAA report the landowner's proposed construction or alteration does not constitute an obstruction, the Zoning Officer may issue a Zoning Permit.
 2. If either the Bureau of Aviation or the FAA reports the proposed construction or alteration is an obstruction, the permit shall not be issued and the applicant may apply for a variance.

1308 Variances

- A. Application - Any person desiring to erect any structure or increase the height of any structure or permit the growth of any vegetation or otherwise use his property not in accordance with these airport zoning regulations, may apply to the Zoning Hearing Board (ZHB) in accord with this Article XIII and §608 of this Ordinance for a variance from the zoning regulation in question.
- B. Requirements - A variance shall only be granted after the requirements of §1308 and §608.3 are satisfied. No variance shall be granted which is contrary to the public interest, which will create a hazard to air navigation, or which would not be in accordance with the spirit of the regulations in this Article XIII. Any variance may be granted subject to any reasonable conditions that the ZHB may deem necessary to effectuate the purpose of this Article XIII.
- C. FAA / Bureau of Aviation Determination - The application for variance shall be accompanied by a determination from the Federal Aviation Administration and the Bureau of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Any requirements of the FAA and Bureau of Aviation shall be a condition of approval of any variance or permit approval.
- D. Airport Notification - See §1310.2.
- E. Notice of Intent to Grant Variance To Bureau of Aviation - See §1310.3.

1309 Obstruction Marking and Lighting

Any permit or variance granted under this Article XIII may, if such action is deemed advisable to effectuate the purpose of this Article XIII and is reasonable under the circumstances, be so conditioned as to require the owner of the structure or vegetation in question to permit the Airport, at its own expense, or require the person or persons requesting the permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA or Bureau of Aviation.

1310 Enforcement and Notice

1310.1 Local Enforcement

It shall be the duty of the Zoning Officer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer upon a form published for that purpose. Application for

action by the ZHB shall be forthwith transmitted by the Zoning Officer. All such applications may be made and may be considered concurrently with any required general zoning application.

1310.2 Airport Notification

- A. Permits - Upon receipt of any application for a permit pursuant to this Article XIII which is subject to FAA and Bureau of Aviation determination in accord with §1307.4,B, the Zoning Officer shall notify the Airport Manager (or person of equivalent description) who shall be given the opportunity to review and comment on said application as to the aeronautical effects. If the Airport Manager (or person of equivalent description) does not review the application within fifteen (15) days after such notice, the Zoning Officer may act without such input to grant or deny said application.
- B. Variances - No application for variance to the requirements of this Article XIII may be considered by the ZHB unless a copy of the application has been furnished to the Airport Manager (or person of equivalent description) for comments as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the ZHB may act without such input to grant or deny said application.

1310.3 Notice of Intent to Grant Variance To Bureau of Aviation

Notwithstanding any other provision of law, should the ZHB decide to grant a permit or variance, respectively, under this Article XIII, the Department of Transportation, Bureau of Aviation, shall be notified of the intent to issue the permit or variance. This notice shall be in writing and shall be sent so as to reach the Department at least ten (10) days before the date upon which the decision is to be issued.

1310.4 Subdivisions and Land Developments

- A. Notice of Development - In the case of major subdivisions or land developments as defined by the North Abington Township Subdivision and Land Development Ordinance, notice of receipt of any such application shall be provided to the Airport Manager (or person of equivalent description) for comments as to the aeronautical effects of the proposed subdivision or land development. If the Airport Manager (or person of equivalent description) does not respond to the application within fifteen (15) days after receipt, the Township may act without such input to grant or deny said application. Notice to the Bureau of Aviation shall be provided in accord with §1310.3.
- B. Plan Information - The Township shall require that the plans include information to notify potential owners of the property or lots subdivided therefrom that the property is subject to Township airport zone requirements pertaining to height of structures and vegetation, electrical interference, lighting and glare. The details of the then current standards shall also be included on the plan along with the fact that more stringent standards may have been adopted by the Township and that the property owner and/or lot purchaser has the responsibility to comply with all applicable standards.

1310.5 Airport Owner to File Correspondence with Township

The airport owner shall send to the Township copies of all forms, applications, and requests affecting airport hazard zone movement or hazard zone changes sent to FAA and/or the Bureau of Aviation by the airport owner. Said copies shall be sent to the Township within three (3) days of sending said forms, applications and requests to the FAA or the Bureau of Aviation. The airport owner shall also include copies of all maps, documents, correspondence and plans attached to, required by, or accompanying said requests, applications, or forms.

1311 Relation to Other Zoning Regulations

In the event of conflict between any airport zoning regulations adopted under this Article XIII and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or vegetation, and the use

of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

1312 Standards Applicable to New Airports and Changes to Existing Airports

The standards in this §1310, in addition to other applicable standards in this Zoning Ordinance, shall apply to all existing and proposed public airports as defined and regulated by this Article XIII.

1312.1 Conditional Use

The existence of airport hazard zones limits the uses of surrounding landowners. No public airport shall be permitted to make any change which would effect the location of airport surface zones, approach zones, or hazard zones, and no new public airport shall be developed unless Conditional Use approval has been granted. In addition to the requirements of §509 of this Zoning Ordinance, the following procedures and criteria shall apply to any airport conditional use application. The following shall constitute changes at an airport requiring conditional use approval prior to the change:

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

1312.2 Application Contents

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

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

G. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

1312.3 Engineering Review

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

1312.4 Costs

Any airport or change to an airport resulting in a change of airport hazard zones shall be considered a land development, and in accord with §503(1) of the Pennsylvania Municipalities Planning Code the applicant shall be responsible for paying all reasonable and necessary charges of the Township's professional consultants or engineer relating to application review and report under the terms of the Township Subdivision and Land Development Ordinance.

1312.5 Notice to FAA, the Bureau of Aviation, and the County

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

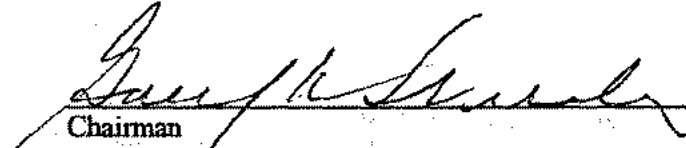
1312.6 Criteria to Review


In granting or denying a conditional use, the Supervisors shall consider:

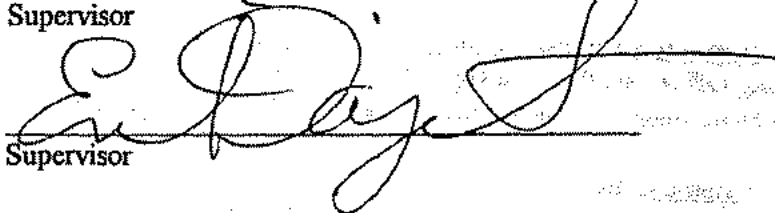
- A. The effect upon reasonable use of properties affected by the proposal.
- B. How the applicant plans to acquire any necessary air rights.
- C. The character of the flying operations expected to be conducted at the airport;
- D. The nature of the terrain within the airport hazard zone area;
- E. The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

ARTICLE XIV
ADOPTION

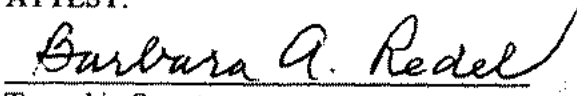
This Ordinance ordained and enacted this 4th day of Aug. 2001, by the Board of Supervisors of North Abington Township, Lackawanna County, Pennsylvania, to be effective immediately.


Chairman


Supervisor


Supervisor

ATTEST:


Township Secretary

ZONING MAP 1973

Approved this 3rd day of April 1973 by:

Cyril A. Castellano C. J. Ruppel
Robert M. Hargis Madelene Sullivan Secretary

