

ARTICLE VII
PERFORMANCE STANDARDS AND ENVIRONMENTAL PROTECTION

700 Design of Commercial Establishments and Nonresidential Uses NEW SECTION

It is the intent of this §700 to provide standards for the design of commercial establishments and nonresidential uses (referred to as *commercial establishments*) to assure the compatibility of the nonresidential development with the surrounding character of the Township. This shall be accomplished by:

- A. Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
- B. Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- C. Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- D. Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
- E. Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- F. Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and,
- G. Being consistent with any design guidelines adopted by the Township.

700.1 Land Development

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

- A. Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within 500 feet of the tract;
- B. A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the land development.
- C. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- D. Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks;

- F. Location and dimensions of pedestrian entrances, exits, walks;
- G. Location, height, and materials of walls, fences, screen plantings, and other landscaped areas.
- H. Preliminary architectural drawings for all buildings;
- I. Location, size, height, and orientation of all signs other than signs flat on building facades;

700.2 Site Design Process

The applicant shall demonstrate to the Township by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:

- A. Mapping of Primary and Secondary Conservation Areas (see §601.4D1) to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to assure non-disturbance.
- B. Locating the building site.
- C. Locating required buffers.
- D. Laying out street access, parking/loading areas, and other required or proposed improvements.

700.3 Ownership

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

701 Performance Standards Applicable to All Uses in All Districts UPDATED CURRENT §409 & §416

- A. Intent and Applicability - The intent of this §701 is to regulate the development and operation of all development in the Township and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this Ordinance may be undertaken and maintained if it conforms to all applicable requirements 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 nonresidential uses, and residential uses explicitly referenced by a specific section. The standards in this §701 shall not apply to normal agricultural uses unless explicitly referenced by a specific section.
- B. Affidavit
 - 1. With the exception of residential uses, the applicant for a Zoning Permit for any other principal or accessory use shall include with such application an affidavit acknowledging his understanding of the performance standards in this §701 and applicable to such use, and affirming his agreement to conduct or operate such use at all times in conformance with such standards.
 - 2. The Right to Know Law protects certain information submitted in connection with a zoning permit from public disclosure by the Township. §708(3) of the Right to Know Law, 65 P.S. 67.708(3), exempts, "A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may

include ... (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems." Additionally, §708(11) of the Right to Know Law, 65 P.S. 67.708(11), exempts, "A record that constitutes or reveals a trade secret or confidential proprietary information." An applicant for a zoning permit may designate application material submitted to the Township meeting the exemption criteria of the Right to Know Law as confidential. Such confidential information shall thereafter be protected from public disclosure by the Township to the extent permitted by law.

3. Regardless of whether or not a use is required to comply with the procedure specified in this §701B, every use shall comply with all performance standards.

701.1 Setbacks and Buffers

Unless otherwise regulated by this Ordinance, where a nonresidential use is proposed contiguous to any existing residential dwelling and where a HI or I District adjoins any R-1 or R-2 District, the minimum size of the abutting setback shall be increased by 50 percent and a landscaped buffer not less than 15 feet in width shall be provided in accord with this §701.1. Storage of equipment, supplies, products or any other materials shall not be permitted in any front setback or side setback.

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

- A. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. The width of the required buffer, as determined by the Township, shall not be less than 15 feet.
- C. A mix of ground cover and shrubby vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six feet in height will be formed within three 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 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 submitted by the developer for review and approval by the Township. Where the project involves landscaping of more than 0.5 acre the plan shall be prepared by a qualified registered landscape architect, professional planner or registered professional engineer. 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 feet in width.
- C. Plants shall be species identified by Appendix F of the Subdivision or Land Development Ordinance.
- D. Where landscaping is required to serve as a buffer (e.g.. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions or variances.
- E. The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- F. All areas in and around parking areas shall be landscaped.
- G. Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- H. Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- I. All trees to be planted shall have a trunk diameter of at least one inch as measured one foot above the ground.
- J. Ground cover shall be spaced to allow for complete fill-in within one year of the date of planting.
- K. Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- L. All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.

701.3 Operations and Storage

All facilities and operations of any principal use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses) including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and conducted within a building except as follows:

- A. Sales Area - One outdoor sales area meeting the required setbacks for the district shall be permitted not to exceed the lesser of ten percent of the interior retail sales space or 500 square feet.

B. Conditional Use/Special Exception

1. Outdoor storage for other uses may be approved as a conditional use for a use listed as conditional use by the Schedule of Uses and as a special exception for a use listed as a special exception.
2. In the case of a use listed as a principal permitted use by the Schedule of Uses, outdoor storage shall be considered a conditional use.
3. Larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way may be required.

C. Minimum Setback - Unenclosed uses and activities shall, in any case, be a minimum of 100 feet from any existing residential structure or any R Residential, unless a greater setback is required by the Township.

D. Storage in Setback and Parking Areas - Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback or parking areas.

E. Vehicles, Trailers, Containers - Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. In the HI and I District, trailers, painted one color without advertising and maintained in good condition, may be used as accessory structures provided all wheels and axles are removed, the trailers are erected and maintained as structures, and are screened from view from adjoining properties in accord with §701.1. Trailers, painted one color without advertising and maintained in good condition, shall be permitted for storage for a temporary period on the site of an on-going construction project. The placement of said trailers shall be for a specified time as stated in the required permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material except in accord with applicable state and federal regulations.

701.4 Fire and Explosion Hazards

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

701.5 Radioactivity or Electric Disturbance

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

701.6 Noise

A. Definitions:

1. A-weighted Noise Level (dBA) - A measure of sound pressure in decibels with the sound pressure scale adjusted to conform with the frequency response of the human ear. A sound level meter that measures A-weighted decibels, designated as dBA, has an electrical circuit that allows the meter to have the same

sensitivity to sound at different frequencies as the average human ear (2007, Australian Academy of Science).

2. Equivalent Noise Level (Leq) - The dBA level of a steady state sound which has the same dBA weighted sound energy as that contained in the actual time-varying sound being measured over a specific time period (2003, Eilar Associates, Encinitas, CA).
3. Ambient Noise Level - The average A-weighted Noise Level (Leq) at any specified point which is representative of the noise level of that environment over an extended period of time. It is a composite of all sounds from sources, both near and far.
4. Noise Source - A single piece of equipment, or a collection of equipment under the control and operation of a single entity (e.g., a wind farm), that produces noise as a consequence of its operation. A collection of equipment may not necessarily be connected or related, if they may be operated simultaneously.
5. Suspect Source - A Noise Source that may be in violation of this §701.6, identified by the nature of sounds or a correlation with the times of operation and the alleged violation.

B. Limits

1. Ambient Noise Level Threshold

- a. No Noise Source shall produce an A-Weighted Noise Level at any point in the Township outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of ten dBA above the Ambient Noise Level.
- b. An increase in excess of ten dBA shall be permitted provided the owner/operator of the Noise Source acquires a noise easement in form and content approved by the Township (solely with respect to the noise easement) from the affected property owner which establishes the maximum increase. However no increase shall be permitted for properties separated by any public road right of way and in no case shall the maximum noise level exceed the level established by §701.6B3.

2. Ambient Noise Level - For projects being developed, the Ambient Noise Level for the entire project may be established prior to construction of such project for the duration of construction and operation of such project by measuring the noise level near the boundaries of the property on which the project is to be constructed in accordance with §701.6.C below for a continuous two-week period no more than two years prior to the start of construction of such project.

| Maximum Sound Levels | | | | | |
|--|-----------------------------|------------------|--------|----|----|
| Period | Receiving Land Limits (dBA) | | | | |
| | Existing Dwelling | Zoning District | | | |
| | | R-1, R-2, A, O/R | MU, VC | HI | I |
| Monday-Saturday, 7:00 a.m. - 9:00 p.m. | 60 | 60 | 60 | 65 | 70 |
| Saturday, 9:00 p.m.- Monday, 7:00 a.m. Monday-Friday, 9:00 p.m.-7:00 a.m. | 50 | 50 | 55 | 60 | 70 |

3. Maximum Noise Level - Notwithstanding any of the foregoing provisions of this §701.6B, in no event shall

a Noise Source produce an A-Weighted Noise Level outside the boundaries of the property on which the Noise Source is located (or in the case of a project considered a single Noise Source, the boundaries of the collective project area) at a level in excess of the limits established in the Maximum Sound Levels Table.

C. Measurements

1. Type and Certification - All noise level measurements shall be made using a sound level meter meeting American National Standard Specification for Sound Level Meters (ANSI S1.4-1983 (R2001)/ANSI S1.4A-1985 or the current revision of that standard) for Type 1 instruments. The instrument shall have been laboratory re-certified according to the manufacturer's directions within the periodicity required by the manufacturer (usually 1- or 2-year interval) prior to the measurements.
2. Methods - All measurements shall be taken using the FAST response time and A-weighting.
3. Field Calibration - A field calibration check, using a certified field calibrator, shall be performed at the beginning and end of the measurement period and reported with the other data.
4. Proposed Projects
 - a. For projects establishing an Ambient Noise Level for the project prior to the approval of such project, the average A-weighted Noise Level (Leq) shall be measured at multiple points near the outside boundaries of the property on which the project is to be constructed for a continuous two-week period no more than one year to the start of construction of such project.
 - b. Measurements should be attempted to be performed near outside boundaries which are closest in proximity to where the Noise Source will be located and/or where noise is reasonably expected to be the loudest.
 - c. The measurements must be made by an independent professional using the commonly-accepted measurement procedures specified in ANSI/ASA S1.13-2005 (R2010) standard "American National Standard Methods for the Measurement of Sound Pressure Levels In Air".

D. Investigation of Complaints

1. Initial Determination
 - a. In the event a complaint is received regarding a Suspect Source, the Zoning Officer shall first determine that the complaint is valid by visiting the site of the complaint and the site of the Suspect Source.
 - b. If the nature of the sound at the site of the complaint is not similar to the nature of the sound produced by the Suspect Source, and if the subjective noise levels do not correlate with the operation of the Suspect Source, then the Zoning Officer shall file a report noting those observations, and shall notify the complainant and the owner/operator of the Suspect Source that the complaint has not been validated.
2. Test Date
 - a. If, by the nature of the sound, or correlation with the operation of the Suspect Source, the Zoning Officer determines a complaint to potentially be valid, the Zoning Officer shall make a reasonable effort to arrange a date and time with the complainant and the owner/operator of the Suspect Source to

conduct a test.

- b. The test should be close to the time of day and day of week of the complaint, but shall not represent an unreasonable burden on the complainant or the owner/operator of the Suspect Source.

3. Background Noise Level

- a. The Zoning Officer shall conduct an average background A-weighted Noise Level measurement before and after the operation of the Suspect Source using commonly-accepted measurement equipment and standards; provided that at the election of the owner/operator, the owner/operator may engage an independent professional to conduct such measurements mutually agreed to by the Township, at the cost of the owner/operator.
- b. At the direction of the Zoning Officer, the owner/operator of the Suspect Source shall operate the equipment according to normal operating procedures according to design limits, or the maximum approved limits of the conditional use approval, whichever is lower, for the duration of the test.
- c. The owner/operator may be required to operate the equipment in any mode or for any use that the equipment is normally or occasionally used. The owner/operator shall not be required to operate the equipment in any manner inconsistent with the design or normal use, nor in any unsafe manner.

4. Average Background A-weighted Noise Level

- a. An average background A-weighted Noise Level shall be measured without the Suspect Source in operation. The atmospheric conditions at the time of measurement shall be as near the atmospheric conditions reported at the time of the complaint (wind direction and speed, temperature, temperature gradient, etc.).
- b. Background activities shall be representative of those expected in the environment for the time of day and day of the week.
- c. Measurements of the average background A-weighted Noise Level shall be made for the length of time the Suspect Source will be in operation, but need not be any longer than 15 minutes. If manual measurements are being taken, the measurements shall be recorded every 15 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

5. Measurements

- a. Measurements of the average A-weighted Noise Level (Leq) with the Suspect Source in operation shall be conducted as soon as possible after obtaining the background noise level measurements without the Suspect Source in operation and shall be made for the length of time the source will normally be in operation, but in any case shall not be less than five minutes and need not be any longer than 15 minutes.
- b. If manual measurements are being taken, the measurements shall be recorded every 15 seconds. If an automatic recording device is being used, the recording interval shall be one second, or the closest fixed or variable interval allowed by the meter and recording equipment.

- c. The equation for deducing the A-weighted Noise Level (Leq) being produced by the Suspect Source (Ls) shall be as set forth below where L1 equals the measured average A-weighted Noise Level (Leq) of the background without the Suspect Source in operation and L2 equals the measured average A-weighted Noise Level (Leq) of the background with the Suspect Source in operation. Basically, Ls equals L2 minus L1 as shown in log notation below which is the basis for decibel calculations.

$$L_s = 10 \log_{10} \left(10^{\frac{L_2}{10}} - 10^{\frac{L_1}{10}} \right)$$

- E. Report - After completion of the background noise level measurements before and after the operation of the Suspect Source, the report of the Zoning Officer (or the independent professional, if engaged by the owner/operator of the Suspect Source) shall include:
1. The instrument manufacturer, model, type, serial number, and laboratory re-certification date of the sound level meter and the field calibrator.
 2. The level of the field calibration after making any adjustment of the sound level meter.
 3. The location of the noise level measurements, by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 4. The location of the Suspect Source by latitude and longitude or by other descriptive terms that would allow someone unfamiliar with the complaint to locate, unambiguously, the measurement point on the ground, or on a map.
 5. A description of the Suspect Source in operation, sufficient to allow someone to recreate the conditions of the test.
 6. The weather conditions at the time of measurement, including temperature, relative humidity, wind speed and direction, cloud cover, and an impression of the temperature gradient.
 7. The time at which noise level measurements were started and stopped.
 8. The time at which the operation of the Suspect Source was started and stopped, and when measurements were started and stopped.
 9. For manual measurements:
 - a. a table of lines and sound levels as reported on the meter
 - b. the calculated A-weighted Noise Level for each set of measurements
 10. For automatic measurements:
 - a. a notation of the time the instrument was started and the time stopped
 - b. the reported A-weighted Noise Level
 - c. if the instrument can report each data point, an electronic form of the data, including each measurement time and level, and a description of the data format shall be retained as a supplement to

the report

- d. a calibration mark using the field calibrator

11. A list of witnesses or other persons present during the measurements.

12. Any additional comments from the complainant, witnesses or the operator/owner of the suspect equipment or sources.

F. Studies for Proposed Use

1. Compliance with Standards - Applicants for a specific proposed use shall be required to demonstrate that the proposed use will not violate the standards in this §701.6 by providing reasonable documentary evidence, which may include:

- a. Engineering studies which estimate the environmental noise levels from the proposed equipment operations and the impact of mitigation measures applied to the equipment and/or site; and/or
- b. Environmental noise measurements from similar operations and sites (same number and types of equipment, comparable topography and prevailing weather conditions).

2. Loudspeakers - The applicant shall provide specifications for any proposed exterior loudspeakers and detail how compliance will be attained.

3. Conditions - Given the inherent vagaries of acoustic predictions and the variability of acoustic measurements, the Board of Supervisors may apply conditions which are more conservative than would be indicated by the studies. In any case, the acceptance of proposed control or mitigation measures does not relieve the applicant from complying with the standards provided in this Article and/or a conditional use approval.

G. Exceptions - The standards in this §701.6 do not apply to:

1. Radiated noise levels for vehicles or other operations subject to state or federal preemption.
2. The operation of lawn mowers, leaf blowers, string trimmers, chain saws, and other small yard maintenance equipment between sunrise and sunset.
3. Emergency equipment and signals.
4. Emergency operations of any kind, including, but not limited to, road repairs, utility repairs, response to accidents, injuries, fires, flooding, or hazardous material spills.
5. Short duration activities, such as construction or repair of facilities or infrastructure.
6. Discharge of firearms.

701.7 Vibration

Operating or permitting the operations of any device that creates vibration which is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at 50 feet from the source if on a public space or public right-of-way shall be prohibited. For the purposes of this section, *vibration*

perception threshold means the minimum ground-or- structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

701.8 Lighting and Glare

The standards of this §701.8 shall also apply to residential and agricultural uses. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site. Any proposal which is considered a land development as defined by the Township Subdivision and Land Development Ordinance shall be governed by the lighting and glare standards in that Ordinance. Following the establishment of any land development, the ongoing operation and maintenance of the lighting facilities shall comply with the requirements of this §701.8 and violations shall be subject to the enforcement provisions of this Ordinance.

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

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

B. Applicability

1. This §701.8 shall apply to all uses within the Township where there is exterior lighting that is viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
2. Exemptions - The following lighting applications are exempt from the requirements of this §701.8:
 - a. Lighting within public right-of-way or easement for the principal purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.
 - b. Lighting for public monuments and statuary.
 - c. Underwater lighting in swimming pools and other water features.
 - d. Low voltage landscape lighting.
 - e. Repairs to existing luminaires not exceeding 25 percent of the number of total installed luminaires.
 - f. Temporary lighting for theatrical, television, performance areas and construction sites.
 - g. Temporary lighting and seasonal decorative lighting provided that individual lamps are less than 10 watts and 70 lumens.

- h. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency.

C. Standards

1. Illumination Levels - Lighting shall have illuminances, uniformities and glare control in accord with the recommended practices of the Illuminating Engineering Society of North America (IESNA) unless otherwise directed by the Township.

2. Luminaire Design

- a. Horizontal Surfaces

- 1) For the lighting of predominantly horizontal surfaces such as, but not limited to, parking areas, roadways, cul-de-sacs, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, , active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet IESNA full-cutoff criteria.
- 2) Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, luminaires that are fully shielded or comply with IESNA cutoff criteria may be used.

- b. Non-horizontal Surfaces

- 1) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Township, luminaires shall be shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- 2) Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this §701.8C2b.

3. Control of Glare

- a. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. Directional luminaires such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45 degrees from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the view of the glare source from that property.

- c. Barn lights, aka dusk-to-dawn lights, when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- d. Reserved
- e. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be extinguished after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 25 percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of the Township that an elevated security risk exists, e.g., a history of relevant crime, an appropriate increase above the 25 percent limit may be permitted as a conditional use.
- f. Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly variations in operating hours, annual time changes and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires on at dusk and also for all-night safety/security dusk-to-dawn luminaire operation when such lighting is specifically approved by the Township in accord with §701.8C3e. The use of motion detectors is permitted.
- g. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle and luminaire placement.
- h. Light Spillover
 - (1) Residential - The illumination projected from any use onto a residential use or permanent open space shall at no time exceed 0.1 initial footcandle, measured line-of-sight at any time and from any point on the receiving residential property. This shall include glare from digital or other illuminated signs
 - (2) Nonresidential - The illumination projected from any property onto a non-residential use shall at no time exceed one initial footcandle, measured line-of-sight from any point on the receiving property
- i. Height - Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of 20 feet above finished grade (AFG) of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically permitted by the Township, shall not be mounted in excess of 16 feet AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, the Township may, at its discretion, based partially on mitigation of potential off-site impacts, permit a luminaire mounting height not to exceed 25 feet AFG. For maximum mounting height of recreational lighting, see §701.8D.
- j. The United States, state and other official flags may be illuminated from dusk to dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate

the flag.

- k. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average illumination intensity in the area directly below the canopy shall not exceed 20 maintained footcandles and the maximum density shall not exceed 30 initial footcandles.
- l. Soffit lighting around building exteriors shall not exceed 15 initial footcandles.
- m. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications towers is prohibited during hours of darkness except as required by the Federal Aviation Administration.

4. Installation

- a. Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accord with the National Electric Code (NEC) Handbook.
- b. Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be protected by being placed a minimum of five feet outside paved area or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, shielded by steel bollards or protected by other effective means.
- c. Pole mounted luminaires for lighting horizontal surfaces shall be aimed straight down and poles shall be plumb.
- d. Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
- e. Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.

5. Maintenance - Luminaires and ancillary equipment shall be maintained so as to meet the requirements of this Ordinance.

6. Billboards and Signs - The lighting of new or relighting of existing billboards and signs shall require a permit, which shall be granted when the Zoning Officer is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

- a. Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted and aimed to shield the lamp and its reflective surfaces from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of the Township that such a mounting arrangement is not possible. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30 vertical footcandles during hours of darkness.

- b. Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
- c. Electronic message signs shall comply with the requirements of Article 11.
- d. The illumination of a billboard within 400 feet of a residential use shall not be permitted.
- e. Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.
- f. The use of highly reflective signs that creates nuisance glare or a safety hazard shall not be permitted.

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

- 1. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal aiming of luminaires and projection of illumination, may be permitted by conditional use. A visual impact analysis shall be required in accord with §701.8D5.
- 2. A proposed illuminated recreational facility located within a R-1 or R-2 District or sited on a nonresidential property located within 1,000 feet of a property in a R-1 or R-2 District shall be considered a conditional use.
- 3. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m. except in the occurrence of extra innings, overtimes or make-up games.
- 4. The Township reserves the right to limit the number of illuminated sporting events per week or season.
- 5. Maximum mounting heights for recreational lighting shall be in accordance with the following:

- a. Basketball 20 feet
- b. Football 70 feet
- c. Soccer 70 feet
- d. Lacrosse 70 feet
- e. Baseball and softball
 - (1) 200-foot radius 60 feet
 - (2) 300-foot radius 70 feet
- f. Miniature golf 20 feet
(See driving range in §701.8D1.)
- g. Swimming pool aprons 20 feet
- h. Tennis 20 feet
- i. Track 20 feet
- j. All uses not listed 20 feet

5. Visual Impact Plan -To assist the Township in determining whether the potential impacts of proposed lighting have been suitably managed, applications for illuminating recreational facilities shall be accompanied not only with the information required by §701.8E, but also by a Visual Impact Plan that contains the following:
 - a. Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
 - b. Elevations containing pole and luminaire mounting heights, horizontal and vertical aiming angles and luminaire arrays for each pole location.
 - c. Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5-foot line-of-sight.
 - d. Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of §708.8C3.
 - e. Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be .extinguished.
 - f. A narrative describing the measures proposed to achieve minimum off-site disturbance.
- E. Plan Submission - Lighting plans shall be submitted for Township review and approval for subdivision and land development, conditional use, variance, zoning permit and special exception applications. The submitted information shall include the following:
 1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed trees, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires, including but not limited to area, architectural, building entrance, canopy, soffit, landscape, flags and signs, by location, orientation, aiming direction, mounting height, lamp, photometry and type.
 2. A ten feet by ten feet illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.
 3. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
 4. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
 5. Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

6. When requested by the Township for conditional uses or special exceptions, the applicant shall also submit a Visual Impact Plan in accord with §701.8D5.
7. Plan Notes - The following notes shall appear on the Lighting Plan:
 - a. Post-approval alterations to lighting plans or intended substitutions for specified lighting equipment on the approved plan shall be submitted to the Township for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate the proposed substitution is equal to or exceeds the optical quality and maintainability of the specified luminaires; and shall be accompanied by a lighting plan, including a point-by-point plot, which demonstrates that proposed substitutions will result in a lighting design that equals or exceeds the quality of the approved plan.
 - b. The Township reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.
 - c. All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by the Township.
 - d. Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

F. Compliance Monitoring

1. Safety Hazards - If the Zoning Officer determines that a lighting installation creates a safety hazard, an enforcement proceeding shall be initiated in accord with §1216.3.
2. Nuisance Glare and Inadequate Illumination Levels - If the Zoning Officer determines that a lighting installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the requirements of this Ordinance, enforcement proceedings shall be initiated in accordance with §1216.3.

G. Non-Conforming Lighting - A nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this §701.8 when:

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

H. Definitions - Words and phrases used in this §701.8 shall have the meanings set forth in this §701.8. Words and phrases not defined in this §701.8 but defined in Article III shall be given the meanings set forth in said Article. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires

otherwise.

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

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

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

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

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

IESNA - Illuminating Engineering Society of North America

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

LED - Light Emitting Diode.

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

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

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

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

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

701.9 Reserved

701.10 Odors

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

701.11 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted except in full compliance with PA Department of Environmental Protection requirements..

701.12 Surface and Ground Water Protection

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

701.13 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan shall be required for review and approval. Said plans shall be prepared and implemented pursuant to the Township Stormwater Management Ordinance, Subdivision and Land Development Ordinance or other applicable Township regulations, and County Conservation District and PA DEP standards. The plans 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, residential or other area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or storm water disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.

701.15 Handicapped Access

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

701.16 Settling and/or Storage Ponds and Reservoirs

All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than six feet high and of a design to restrict access to the area to be controlled. Any such facility which contains any material which is poisonous, toxic or caustic, shall not be permitted.

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,

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

701.18 Water Supply

All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential, commercial, industrial and other developments or uses will assure the availability of reliable, safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources.

701.19 Sewage Disposal

Sewage disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Township and the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with Pennsylvania Department of Environmental Protection or local sewer authority requirements. No discharge of wastes, by-products or materials in any way associated with a production process, health care or veterinary facility medical wastes, funeral home wastes, or other commercial wastes shall be permitted to any subsurface, land application or other soil based sewage disposal system.

701.20 Travel Routes

The Applicant shall provide a map showing the public roads proposed to be used to travel to and from the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

701.21 Other Regulations

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

702 Waste Containers NEW SECTION

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

702.1 Screening

All trash dumpsters shall be screened on all four sides (not including the side it is to be emptied from) as needed to screen the dumpster from view from public streets or dwellings on abutting lots. A solid wooden fence, brick wall, evergreen plants or structure designed to be architecturally compatible with the principal building shall be used for such screening.

702.2 Setback from Dwellings

Any solid waste container with a capacity over 15 cubic yards shall be kept a minimum of 15 feet from any property line.

702.3 Food Sales

Any use that involves the sale of ready-to-eat food for consumption outside of a building shall provide at least one outdoor solid waste receptacle for customer use at a convenient location outside of the main exit door of the property. The operator of such use shall be responsible for regular emptying and maintenance of such receptacle.

702.4 Enclosed Containers

Solid waste receptacles stored outdoors shall be adequately enclosed and covered to control the attraction of rodent and insects.

703 Environmental Impact Statement NEW SECTION

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. Industrial uses
3. Junkyards
4. Mineral extraction
5. Mineral processing
6. Agricultural products processing
7. Solid waste facilities and staging areas
8. Warehouses and trucking terminals
9. Concentrated animal feeding operations
10. Any nonresidential use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas
11. Any nonresidential 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

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 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 and Water Surface 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.
3. Type and concentration of existing water craft uses.

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 the project. In the case of PennDOT roads a copy of the traffic study required by PennDOT shall be submitted and in the case of Township roads, the study shall be conducted in accord with PennDOT requirements.

- 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. Community Facilities and Services - Existing community facilities and services and how the proposed use will effect those facilities and services, including projected needs for additional facilities and services.
- Q. 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 or the Zoning Hearing Board as the case may be.

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

- A. Upon receipt of the application the Township shall forward the EIS to the Township Engineer and any other Agency or firm which the Township may desire for consultation.
- 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 §§A and §§C above shall be paid by the applicant.
- E. Copies of the EIS 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 NEW SECTION

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, except that these provisions do not apply where the applicant proposes to join two existing parcels into a single parcel, or to subdivide a parcel from one parcel and join that with an adjoining tract of land, and where no new development is proposed on the resulting lots. The procedures and standards are as follows:

704.1 Steep Slope Areas

A. General Requirements - Steep slopes shall be defined as slopes in excess of 25 percent grade as determined by the Zoning Officer, from United States Geological Survey topographic maps or USDA NRCS maps. In cases where the slope cannot be specifically determined by said means, the Zoning Officer may require the applicant to provide certification from a Qualified Professional of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed. 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:

1. An accurate map prepared by a Qualified Professional has been submitted showing property boundaries, building and drive locations, contours at two 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.
2. 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.
3. No finished grade where fill is used shall exceed a 50 percent slope
4. Where fill is used to later support structures, a minimum compaction of 90 percent of maximum density shall be achieved.
5. Soils characterized by the Soil Conservation Service as highly susceptible to erosion shall be avoided
6. Roads and utilities shall be installed along existing contours to the greatest extent possible
7. Any steep slope areas also characterized by seasonal high water tables shall be avoided
8. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate.
9. 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).

B. Residential Development

1. Each lot or an area plotted for residential use shall provide, inside of the required setbacks, an area containing not less than 5,000 square feet for each dwelling unit.
2. Such area shall have an average slope no greater than 15 percent and shall be accessible from the existing or proposed street by means of a driveway or private access street having a maximum grade of 12 percent.
3. In the case of lots utilizing an onsite sewage disposal system, in addition to such area, there shall be sufficient area for the sewage disposal field, in accordance with the Department of Environmental Protection regulations.

C. Nonresidential Development

1. Each lot plotted for industrial, manufacturing, commercial or other nonresidential use shall provide, inside of the required setbacks, an area at least equal to the projected horizontal area of the proposed building, plus the additional area required for required parking and loading.
2. This area shall have an average slope no greater than 10 percent and shall be accessible from the existing or proposed street by means of adequately and properly designed service drives having a maximum grade of 12 percent.
3. In the case of lots using an on-site sewage disposal system, there shall be sufficient additional area for the sewage disposal field and for a replacement field in accord PA DEP regulations.

704.2 Buffers for Wetlands

A. Identification

1. Delineation - If the Township reasonably anticipates that wetlands may be present or may be impacted by the proposed development, the Township may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to be delineated and shown on any application proposing a new use or expanded use of land.
2. Applicant Responsibility - The Applicant shall be responsible for said delineation and supply to the Township a written report from the individual, partnership, corporation or other entity which performed the wetlands delineation fully describing the methodology used. Notwithstanding receipt of such delineation and report, the Township may require the Applicant to submit, at no cost to the Township, an additional wetlands delineation of the site and report as to methodology, from a second source for purposes of verification. In the event of discrepancy between delineations, the Applicant shall obtain a jurisdictional determination.
3. Jurisdictional Determination - The Township may also require that the applicant obtain a Jurisdictional Determination from the U.S. Army Corps of Engineers.
4. Certification of No Wetlands - If no wetlands are present, the applicant shall provide a certified statement to that effect.

- B. Wetland Buffer Required - A buffer of 50 feet in width, measured perpendicular to and horizontally from the edge of the wetland, shall be maintained from the edge of all wetlands.

1. Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
 2. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 3. Residential accessory structures, boat docks and accesses, and tree trimming for lake front views shall be permitted provided that no more than 35 percent of the buffer area is affected.
 4. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- C. Minimum Required Lot Size - See the definition of *lot area, required minimum* for the required deduction of delineated wetlands.
- D. Protection - No land shall be disturbed within any required buffer area except in accord with Township requirements and the required buffer around the delineated wetland boundary shall be properly fenced to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed prior to any site disturbance or issuance of building permits. The fence must be properly maintained until all certificates of use have been issued.
- E. Common Area - The Township may require that significant designated wetlands be retained in a single ownership common area rather than incorporated as additional area in platted lots to facilitate management for maintenance of environmental quality. Owners of the wetland mitigation areas must be clearly identified on the plan.
- F. Mitigation Projects - Compensatory mitigation projects required as part of federal or state permits shall be shown on plans. Future lot or common area owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the federal and state governments.
- G. State and Federal Regulations - Any approval under this Ordinance shall be conditioned upon compliance with federal and state wetland regulations. The Board of Supervisors may refuse to approve a plan for recording or delay the issuance of permits until an applicant documents such compliance.
- H. Liability - No zoning approval granted by the Township shall in any manner be construed to be an approval of compliance by the Applicant with any State or Federal wetland regulations; and the Township shall have no or responsibility to the applicant or any other person for compliance with said regulations.

704.3 Lake and Pond Buffer

- A. Lake and Pond Buffer Required - A buffer of 50 feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all lakes and ponds.
1. Unpaved trails and stormwater conveyance facilities required by the Township shall be permitted.
 2. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 3. Residential accessory structures, boat docks and accesses, and tree trimming for lake front views shall be

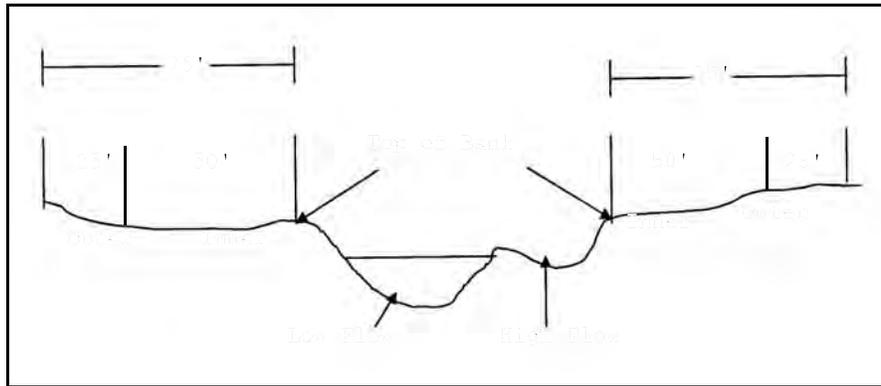
permitted provided that no more than 35 percent of the buffer area is affected.

4. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.

- B. Minimum Required Lot Size - See the definition of *lot area, required minimum* for the required deduction of lakes and ponds.

704.4 Stream Buffer

A buffer of 75 feet in width, comprised of a 50-foot inner buffer and a 25-foot outer buffer, shall be maintained along all streams. (See *Stream Buffer Diagram*.)



Stream Buffer Diagram

- A. Inner Buffer - Measured perpendicular to and horizontally from the edge of the stream for a distance of 50 feet.
1. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
 2. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 3. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.
- B. Outer Buffer - Measured perpendicular to and horizontally from the edge of the inner buffer for a distance of 25 feet.
1. Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Township, and unpaved trails shall be permitted.
 2. In areas of the outer buffer which are not wetlands, vernal pools or slopes of more than 15 percent, stormwater management facilities which improve the quality of the stormwater discharge shall be permitted unless prohibited by other Township or state requirements.
 3. Crop production and non-clear cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this Zoning Ordinance.

4. Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 5. No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Township Floodplain Ordinance.
- C. Minimum Required Lot Size - See the definition of *lot area, required minimum* for the required deduction of streams.

704.5 Bedrock Disturbance

See §701.12.

705 Floodplain

See Article XIII.

706 Property Line Buffer Areas

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

706.1 Natural Vegetation

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

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

706.2. Buffer Areas

In addition to the requirements of §706.1, the following requirements shall apply to all parcels in MU, HI and I Districts:

- A. Until such time as a development plan is approved for the parcel, a buffer of not less than 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 50 percent of the basal area present before cutting or below 65

square feet per acre, whichever is higher. Any such reduction shall be by thinning the vegetation across the entire buffer so that the buffer is maintained along all property lines and road rights-of-way. Basal area is the area in square feet per acre occupied by tree stems at four and 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.

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

707 Grading Operations

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

707.1 Plan

The applicant shall submit a grading plan and drainage plan and report, prepared by a registered engineer or land surveyor, which include existing and proposed contours with an interval not exceeding two feet at a scale not greater than 50 feet to the inch, and an analysis of existing and proposed conditions.

707.2 Stormwater

The proposed grading shall not result in an increase in the rate of stormwater runoff from the site, nor an alteration of the existing points of discharge from the property without the written approval of all affected property owners.

707.3 Slopes

No resulting slope shall be steeper than two horizontal to one vertical unless it is constructed according to a suitable design of an alternative slope which has been prepared and certified by a registered professional engineer and accepted by the Township.

707.4 Hazardous Conditions

The proposed grading shall not result in a condition hazardous to the public. During construction, suitable fences or barriers shall be installed where necessary to maintain the public safety.

707.5 Clear Zone

The proposed grading shall not adversely affect the *clear zone*, as defined by PennDOT, of any public road.

707.6 Erosion and Sedimentation Control

The applicant shall obtain all required approvals for soil erosion and sedimentation from the County Conservation District and PA DEP and provide copies to the Township.

708 Traffic Impact Study (TIS)

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

1. Ensure that proposed uses do not adversely affect the transportation network.
2. Identify any traffic problems associated with site access.

3. Determine traffic problems on private, Township, County or State roads in the project traffic study area.
4. Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

708.1 TIS Requirement.

- A. Thresholds - A TIS shall be required for all proposals that are projected to generate 150 or more trip-ends per project peak hour or one thousand 1,500 trip-ends or more per day based on the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) above the peak hour or daily thresholds.
- B. Other Projects - The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may also, based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township a TIS for the following types of developments and uses:
 1. Industrial parks.
 2. Light manufacturing or manufacturing or industrial uses.
 3. Junkyards.
 4. Mineral extraction.
 5. Mineral processing.
 6. Agricultural products processing.
 7. Solid waste facilities and staging areas.
 8. Warehouses and trucking terminals.
 9. Concentrated animal feeding operations.
 10. Any use involving the initial or cumulative disturbance of 87,120 or more square feet of soil surface areas.
 11. Any use involving the initial or cumulative construction, installation and/or placement of 43,560 square feet or more of buildings, structures or other impervious surface areas.
 12. Any use involving development in any flood plain area.
 13. Any drive-in stand/use.

The requirements of this §708 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the TIS should such components be deemed unnecessary for certain uses.

708.2 Professional Requirements

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

708.3 Study Methodology

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

**ARTICLE VIII
STANDARDS FOR SPECIFIC USES**

- A. Applicable Standards - In addition to all other applicable standards in this Ordinance, the standards in this Article VIII, which may include larger lot sizes, increased setbacks and other standards more restrictive than established by other Ordinance sections, shall apply to the uses as provided in the following sections. The omission from a section of a reference to other applicable requirements shall not exempt compliance with such requirements.
- B. Minimum Required Area - There shall be no ambiguity or alternate interpretation of the provisions of this Article VIII related to the minimum land area required for specific uses. Area of land, land area, lot size, parcel area, parcel size, tract area and any similar terms as related to the minimum area required shall be determined in accord with the definition of *lot area, minimum required* in §303.

801 Reserved

802 Adult Businesses NEW

802.1 Findings

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

- A. Health Concerns - The concern over sexually transmitted diseases is a legitimate health concern which demands reasonable regulation of adult businesses and adult uses in order to protect the health and well-being of the citizens.
- B. Behavior - Certain employees of sexually oriented business regulated by this Ordinance as adult theaters and cabarets engage in higher incidents of certain types of sexually oriented behavior at these businesses than employees of other establishments.
- C. Sexual Acts - Sexual acts, including masturbation, oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows, as regulated by this Ordinance as adult book stores, adult novelty shops, adult video stores, adult motion picture theaters, or adult arcades.
- D. Unhealthy Conditions - Offering and providing such space, encourages such activities, which create unhealthy conditions.
- E. Sexual Activities - Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.

- F. Communicable Diseases - At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (AIDS), genital herpes, hepatitis B, non B amebiasis, salmonella infections and shigella infections; and, the incidence of many of these diseases is on the increase.
- G. Unhealthy Conditions - Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- H. Bodily Fluids - Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view adult oriented films.
- I. Accountability - Classifying adult businesses as conditional uses is a reasonable means of accountability to ensure that operators of adult businesses comply with reasonable regulations and conditions, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
- J. Externalities. There is convincing documented evidence that adult businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of property values, and the decline of the overall character of the community - A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- K. Operational Characteristics - It is generally recognized that adult businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to neighborhood blight and downgrading the quality of life in the adjacent area. A number of municipal studies, including the 1986 Austin, Texas study, have demonstrated this.
- L. Reason for Control - The Township desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime; preserve the quality of life, preserve property values and the character of the surrounding community.

802.2 Intent

It is the intent of this §802 to:

- A. Secondary Effects - Regulate adult business in order to promote the public health, safety and welfare by minimizing the secondary effects on the community which are associated with such businesses, and which include difficulties for law enforcement, trash disposal, deleterious effects on business and residential property values, increased crime (particularly the corruption of morals of minors and prostitution), and drive residents and businesses to move elsewhere.
- B. Zoning District - Designate a zoning district where adult businesses are permitted, and establish reasonable, content neutral standards applicable to such uses.
- C. Content - Have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented or adult materials
- D. First Amendment - Not totally restrict or deny access by adults to sexually oriented materials or adult materials

protected by the First Amendment of the Bill of Rights of the U.S. Constitution

- E. Intended Market - Not deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- F. PA Code - Not condone or legitimize the distribution of obscene material, or to encourage any violation of the PA Crime Code or PA Obscenity Code.

802.3 Standards

The following standards shall apply to adult businesses:

- A. Setbacks - Adult business shall comply with the following minimum setbacks:
 - 1. 100 feet from any public road right-of-way;
 - 2. 150 feet from any property line;
 - 3. 350 feet from any:
 - a. residence
 - b. group care facility
 - c. facility catering primarily to persons under 18 years of age
 - d. public or semi-public building or use
 - e. public park or public recreation facility
 - f. health facility
 - g. any establishment that sells alcoholic beverages
 - h. gaming establishment
 - i. Any _____ District boundary line; and,
 - 4. 1,500 feet from any:
 - a. place of worship
 - b. public or private school
- B. Similar Businesses - Adult businesses shall not be located within 1,000 feet of any other adult business.
- C. Measurement - The setbacks established in this §802 shall be measured from the nearest edge of the building used for the adult business to the nearest edge of the building used for a use from which the required setback applies. In the case of a required setback use without a building, the setbacks shall be measured from the nearest edge of the building used for the adult business to the nearest point of any structure associated with the use from which the setback applies. The measurement shall be made in a straight line without regard to intervening structures or objects
- D. Enlargement - An existing, lawful nonconforming adult business may be expanded as a conditional use once in total floor area beyond the floor area that lawfully existed in such use at the time of adoption of this provision of this Ordinance, but only in accord with the limitations of this Ordinance.
- E. Limit of One Use - It shall be a violation of this Ordinance for any person to cause or permit: the operation, establishment, or maintenance of more than one adult business in the same building, structure or portion thereof, or an increase of floor area of any adult business in any building, structure, or portion thereof that contains another adult business.

- F. Nonconformity - Any adult business lawfully operating on the date of enactment of this Ordinance that is in violation of any of the provisions of this §802 shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, altered or extended, except as permitted in §802.3D. The use may be changed to a conforming use. However, under no circumstances shall a non-conforming use as defined and regulated by this Ordinance be changed to any other type of adult business.
- G. Location of New Neighboring Uses - An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use if, subsequent to the grant of a conditional use permit, a use from which an adult business is required to provide a setback under §802.3A is developed within the required setback distance.
- H. Lighting - Overhead lighting shall be provided to illuminate all improved areas of the property; and said lighting shall be in compliance with all requirements of this Ordinance.
- I. Visibility - Any building, structure, or room used and occupied as an Adult Business shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed, and no sale materials, merchandise, film, or offered items of service or entertainment shall be visible from outside the structure.
- J. Signs - Exterior signs shall comply with the provisions of Article XI however, business identification signs shall be limited to a maximum of 20 square feet and signs attached to the building facade shall be limited to a maximum total of ten square feet. Content of such signs shall be limited to only the text of the name of the business and the hours of operation. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- K. Entrances - Each and every entrance to the structure shall be posted with a notice that the use is an Adult Business, that persons under the age of 18 are not permitted to enter, and warning all others that they may be offended upon entry.
- L. Physical or Sexual Contact - No use shall include live actual or simulated sex acts or any physical or sexual contact between employees and contractors, entertainers or dancers, nor between employees, contractors, entertainers or dancers and customers. At an adult live entertainment use or facility, employees, entertainers and dancers shall maintain a minimum distance of three feet from customers.
- M. Hours of Operation - The use shall not operate between the hours of 2:00 a.m. and 7:00 a.m.
- N. Viewing Booths - For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
- O. Garments - All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful Adult Live Entertainment Use or Facility.
- P. State Law Compliance - As a specific condition of approval under this Ordinance, the applicant shall prove compliance with all applicable State laws, including, but not limited to, the Pennsylvania Liquor Code, Act 219 of 1990; Act 207 of 1990 (which pertains to obscenity); and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
- Q. Exemption for Modeling Class - Any modeling class which involves a person appearing in a state of nudity and which is operated by or involves any of the following shall be exempt from the provisions of this §802:

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

803 Reserved

804 Airports And Heliports NEW

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

804.1 Conditional Use

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

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

804.2 Application Contents

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

- A. A full narrative description of the airport and any changes proposed.
- B. Plans and maps prepared by a registered professional engineer showing the airport and any changes proposed to the airport.
- C. Plans and maps prepared by a registered professional engineer showing existing and proposed locations of the airport hazard zones.
- D. Copies of all applications, correspondence, documents, maps or plans submitted to the FAA and the Bureau of Aviation relating to the proposed change or construction, rating change, or other rating, legal or physical change.
- E. A plan showing how the lands or air rights negatively affected shall be acquired, if necessary.
- F. A list of the names and addresses of all landowners negatively affected by the proposed airport or change within a height of 75 feet from the surface of said lands by the change in airport hazard zones.
- G. A list of the names and addresses of all landowners adjoining lands owned or leased by the airport owner.

804.3 Engineering Review

The Township Engineer shall review the application and report whether the application to the Planning Commission complies with all applicable ordinances, laws and regulations relating to airport hazard zones. The Township Engineer shall also report how the proposed airport or change will affect neighboring landowners and landowners in airport hazard zones. The Township Engineer shall also review and report on expected obstructions to aircraft resulting from the airport or change, and upon the adequacy, feasibility and practicality of the applicant's plan to acquire the necessary air rights.

804.4 Notice to FAA, the Bureau of Aviation, and the County

The Zoning Officer shall send a copy of the completed application to the Bureau of Aviation, FAA and the County Planning Department by certified mail, at least 14 days before the date of the hearing.

804.5 Criteria to Review

In acting on a conditional use, the Supervisors shall consider:

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

G. The provision of hazard lighting and marking;

H. The importance of aircraft safety.

804.7 Runway and Landing Pad Setbacks

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

805 Amusement Parks NEW

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

805.1 Parcel Size

A minimum parcel of five acres shall be required.

805.2 Fencing

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

805.3 Structure Height

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

805.4 Hours of Operation

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

806 Animal Husbandry and Crop Production NEW

806.1 State Protected Agricultural Operations

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

806.2 Animal Husbandry, Commercial

- A. Minimum Parcel Size - The minimum parcel size for animal husbandry shall be ten acres plus the minimum required lot area required for the District if a dwelling is located on the parcel.
- B. Setbacks - Any barn or other indoor or outdoor area used for concentrated confinement of animals or manure storage shall not be less than 50 feet from any property line or road right-of-way.
- C. Manure Odors - Because the Township is a rural/agricultural area with farms, the spreading of manure as part of an ongoing agricultural operation and not associated with a concentrated animal feeding operation shall not be considered an offensive odor and shall be exempt from §701.10.

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

The keeping of animals such as cows, steers, goats, sheep, swine, fowl, rabbits and other similar domesticated animals shall be permitted as an accessory use to a single-family residence in any District without a zoning permit

in accord with the following criteria:

- A. Parcel Size - A minimum parcel of two acres shall be required.
- B. Conditional Use The keeping of any such animal on a parcel of less than ten acres in any District except the _____ Districts shall be considered a conditional use and the Township may, in addition to the setbacks required in this §806.3, require additional setbacks and/or buffers in accord with §1208.
- C. Number of Animals
1. Not more than the following number of animals shall be kept on the minimum two acre parcel.
 - a. Cows or steers - two
 - b. Swine - two
 - c. Goats or sheep - four
 - d. Fowl, rabbits, or other small furbearing animals - 50
 2. The following number of animals may be kept for each additional full acre of land:
 - a. Cows or steers - one
 - b. Swine - one
 - c. Goats or sheep - two
 - d. Fowl, rabbits, or small furbearing animals - 25
- D. Setback - No stable building, pen, feed lot, corral, or other area where animals are concentrated shall be located less than 200 feet from any existing residential dwelling or _____ District.
- E. Grazing - All animals shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five feet from the property line or public or private road.
- F. Swine - No swine shall, in any case or manner, be kept less than 200 feet from any adjoining property line and 150 feet from any public or private road.
- G. Nuisances - Nothing herein shall be construed to allow the continuance of any nuisance or threat to health, safety and welfare that might be created by keeping of animals regardless of conformity with these regulations. Nuisances, as defined by the Second Class Township Code, including, but not limited to noise, odors and drainage problems, are hereby prohibited and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies.
- H. Commercial Operations - The keeping of animals or fowl for any commercial purpose shall be defined as *animal husbandry, commercial* and shall meet the requirements of §806.2.

806.4 Crop Production **NEW**

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

807 Animals, Keeping of

| <p align="center">TABLE 807 LOT SIZE AND SETBACKS FOR KENNELS AND STABLES</p> | | | | |
|--|--------------------------|--|----------------------------|---------------------|
| Type of Use | Minimum Lot Size (acres) | Land Requirements for Additional Horses* | Property Line Setback (ft) | Road** Setback (ft) |
| Animal Shelters and Kennels | 3 | not applicable | 200 | 100 |
| Private Stables in all Districts | 2 | 1 acre per horse | 50 | 50 |
| Commercial Stables / Horses for Hire | 5 | 1 acre per horse | 200 | 100 |
| <p>*In addition to the initial minimum lot size. **Applies to any public or private road right-of-way.</p> | | | | |

807.1 Animal Shelters and Kennels NEW

- A. Parcel Size - A minimum parcel of three acres shall be required.
- B. Setbacks - Any structure, outdoor kennels, or animal exercise areas used for the keeping of animals shall meet the setbacks on Table 806.
- C. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space for each nonresident employee and one space per four animals kept on the premises.
- D. Noise Barrier - A noise barrier consisting of a solid fence not less than six feet in height or a dense vegetative planting of not less than six feet in height shall be provided at a distance not to exceed 15 feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.
- E. Hours Outdoors - All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8:00 A.M.
- F. Wastes - All waste materials generated on the premises shall be disposed of at a PA DEP-approved facility, and a detailed plan for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in water-tight containers in an area meeting the setbacks in §807.1B until disposed of and proof of such disposal shall be provided to the Township upon request.
- G. Nuisances - All animal wastes shall be stored in an area meeting the setbacks in §807.1B and shall be disposed of properly. The kennel shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property.

807.2 Stables, Private NEW

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

- A. Parcel Size - A minimum parcel of two acres shall be required.
- B. Number of Horses - One horse may be kept on the initial two acres plus one) additional horse for each additional full acre .

- C. Building Size - The building used to house a horse shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means. All such fences shall maintain a setback of not less than five feet from all property lines.
- E. Parking - Adequate off-street parking and loading areas shall be provided pursuant to this Ordinance.
- 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 806.
- G. Existing Structures - On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses, where the structure does not meet the required setbacks on Table 806, may be permitted as a conditional use provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to assure the same.
- H. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- I. Uses Permitted - The following types of uses shall be permitted as part of the operation:
 - 1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 - 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806.
 - 3. Boarding of horses.

807.3 Stables, Boarding, Commercial and Horses for Hire **NEW**

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

- A. Parcel Size - A minimum parcel of 25 acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other provisions of this Ordinance and other applicable standards are met.
- B. Number of Horses - The number of horses permitted shall not exceed one horse per every one acre of land.
- C. Building Size - The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.
- D. Fences - All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means. All such fences shall maintain a setback of not less than five feet from all property lines.
- E. Parking - Adequate off-street parking shall be provided pursuant to this Ordinance with one space provided for each non-resident employee and one space per two 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 806.

- G. Nuisances; Manure Management - The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.
- H. Uses Permitted - The following types of uses shall be permitted as part of the horse farm operation:
1. Breeding, raising, keeping and sale of horses, and necessary buildings and structures.
 2. Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with Table 806.
 3. Boarding of horses, and necessary buildings and structures.
 4. The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.
 5. Sale of horses other than the horses raised or boarded on the premises.
 6. Retail sales of any goods or merchandise which are incidental and accessory to the stable use.

807.4 Zoos, Menageries, and Wild and Exotic Animals **NEW**

No individual other than a registered veterinarian in the course of his/her professional duties, or a licensed falconer who keeps and maintains only his/her own birds, is permitted to maintain, keep or possess within the Township any wild or exotic animal except in an approved menagerie or zoo. Menageries and zoos shall comply with the following requirements:

- A. A minimum parcel size of five acres shall be required.
- B. All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- C. The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any means.
- D. Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
- E. The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
- F. The permit holder shall not permit any condition causing disturbance of the peace and quiet of neighbors.
- G. Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from the premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- H. The operation shall conform to all applicable local, state and federal laws and regulations

- I. Any building, corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste storage shall not be located within 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.
- J. The applicant shall provide for adequate disposal of all any waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application.

808 Archery Ranges -- Outdoor Commercial NEW

This §808 is intended to provide minimum standards to regulate commercial outdoor archery ranges (hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances.

808.1 Setbacks

All outdoor archery ranges shall be situated not less than 200 feet from any property line and not less than 300 feet from any principal residential or commercial structure existing on the effective date of this §808. This shall not apply to structures on the same parcel as the shooting range.

808.2 Safety Design

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

808.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701.6 unless more restrictive standards are required by the Township as a condition of approval.

808.4 Hours of Operation

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

808.5 Fence

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

808.6 Posting

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

808.7 NFAA Guidelines, State and Federal Regulations

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

809 - 810 Reserved

811 Bed and Breakfast Establishments NEW

811.1 Parking

Adequate off-street parking shall be provided in accord with this Ordinance with the minimum number of parking spaces provided as follows: one space for each rentable room, one space for each nonresident employee, and two spaces for the dwelling unit.

811.2 Number of Rooms

Not more than five rentable rooms shall be provided in the establishment.

811.3 Supervision

The owner or manager of the bed and breakfast shall reside on the premises.

811.4 Sewage Disposal

Sewage disposal meeting the requirements of the Township and PA DEP shall be provided.

811.5 Nonconforming Lots

Bed and breakfast establishments shall not be permitted on lots which are nonconforming in minimum area.

812 Reserved**813 Bulk Fuel Storage Facilities NEW**

In addition to all other applicable standards, bulk fuel storage facilities shall be subject to the specific regulations and requirements in this §813 and shall be permitted only in those districts as specified in the Schedule of Uses. The Township shall establish, as part of the conditional use process, such other conditions such as increased setbacks and construction of dikes as necessary to protect the public health safety and welfare.

813.1 Parcel Size

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

813.2 Setbacks

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

809.3 Fence

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

813.4 Other Regulations

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

Current §425 - Should additional standards be added? Road width, specific occupancy limitations, buffer width.?

814 Campgrounds and Recreational Vehicle Parks

Proposed campgrounds or recreational vehicle parks shall be required to secure a zoning permit prior to any site development or operation as a campground or recreational vehicle park. Expansions or changes in type of preexisting campgrounds shall be required to secure a zoning permit prior to any site development or change in operations.

814.2 Application

The application for a Zoning Permit shall demonstrate that the proposed campground or recreation vehicle park or expansion or change will:

- A. Be used for intermittent or seasonal occupancy only.
- B. Be effectively maintained including all facilities, roads and open spaces.
- C. Fulfill all requirements of PA DEP and the Township sewage facilities regulations Enforcement Officer.
- D. Be developed at no greater than 15 campsites per acre with each campsite at least 30 feet wide by 50 feet deep.
- E. Provide at least 30 feet frontage for each campsite onto an internal campground roadway.
- F. Provide a minimum of two off-street parking spaces for each campsite.
- G. Provide a buffer with a natural screen planting that achieves a screening effect of 75 percent opacity as viewed from adjacent roadways or properties during full foliage.

814.2 Permit Renewal

The Zoning Permit shall be renewed annually only if the above requirements have been effectively met throughout the year, except for seasonal foliage variations.

815 Camps/Retreats NEW

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

815.1 Parcel Size

The minimum parcel size shall be ten acres.

815.2 Density

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

815.3 Occupancy

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

815.4 Subdivision of Lots

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

815.5 Camp/Retreat Lodging Units

- A. Each camp/retreat lodging unit shall form a single, habitable unit with facilities used for temporary living, sleeping, cooking and eating by one family or group constructed in accord with PA UCC requirements.

B. Camp/retreat lodging units may be located in single-unit detached or multi-unit structures.

815.5 Recreational Vehicles

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

815.6 Setbacks and Building Separation

A. No lodging or dwelling unit or accessory building or structure shall be less than 200 feet from any public road and not less than 100 feet from an adjoining property line.

B. The following standards shall apply:

1. Building spacing:

- a. between lodging and/or dwelling units: not less than 30 feet
- b. between accessory structures and lodging and/or dwelling units and other accessory structures: not less than 12 feet

2. Setback of all buildings and accessory structures from internal roads: not less than 35 feet.

815.7 Facilities.

A. Facilities for indoor recreation and learning and for outdoor activities such as hunting, fishing, hiking, bicycling, baseball, zip lines and swimming shall be permitted. Use of recreational facilities shall be limited to the users of the camp/retreat lodging units.

B. Any use which is listed as a separate use by the Schedule of Uses or is proposed for use by other than the users of the camp/retreat lodging units shall require separate zoning approval.

815.8 Land Development Plan.

A. A land development plan meeting the requirements of the Subdivision and Land Development Ordinance shall be required.

B. The plan shall show the area where all existing dwelling units and structures are located and the area where additional lodging and dwelling units are proposed.

C. The number of lodging and dwelling units proposed for the identified area shall be specified, but need not be specifically located on the land development plan.

D. The plan shall include all proposed access roads, stormwater facilities, sewage disposal and other improvements required to service the proposed units.

E. The specific location of each unit shall be identified at the time of application for zoning and building permits.

815.6 Internal Roads

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

816 Clean Fill Disposal REVIEW AND DISCUSS CURRENT §418.**817 Commercial Communication Devices UPDATED CURRENT §423**

The following regulations shall apply to commercial communication devices (CCD) including but not limited to, cellular phone antennae, antennae for communication service regulated by the PA Public Utility Commission, and other commercial antennae and associated facilities.

817.1 Purposes

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

817.2 Permits; Use Regulations

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

- A. Existing Tall Structures - A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than 15 feet shall be permitted in all districts as an accessory use and conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be a conditional use. The applicant shall provide the following information:
 - 1. Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
 - 2. Detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the Township for compliance with the applicable requirements.
 - 3. Evidence of recorded agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
- B. New Structures and CCD Exceeding Fifteen Feet on Existing Structures - A CCD site with a CCD that is either not mounted on an existing structure, or is more than 15 feet higher than the structure on which it is mounted shall be permitted only in those Districts as specified in the Schedule of Uses and shall require conditional use approval in accord with this §817.

- C. Associated Use - All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
- D. CCD as a Second Principal Use - A CCD shall be permitted on a property with an existing use subject to the following land development standards:
1. The CCD facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 2. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the CCD and support structure shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
 3. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 4. The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

817.3 Standards

- A. Location Requirement and Number - The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant shall provide information on the general location of other towers/sites planned for the region.
- B. Collocation; New Tower - If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted in writing the owners of tall structures within a five-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one or more of the following reasons apply to a particular structure:
1. The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 2. The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
 3. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.

4. Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the federal communications commission governing human exposure to electromagnetic radiation.
 5. A commercially reasonable agreement could not be reached with the owners of such structures.
- C. CCD Height - The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for five service providers. The Township may require the tower to be designed and constructed to be *stackable* (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation. CD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district. The Township may require *stealth* design (typically resembling a common tree) to ensure that the CCD is compatible with the surrounding landscape.
- D. Setbacks - If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than 15 feet, the minimum setbacks in this §817.3D shall apply.
1. Separate Parcel - If the parcel on which the CCD and support structure is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the CCD structure plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of 30 feet.
 2. Lease, License or Easement - If the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet from the line of lease, license or easement. In any case, the distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure plus the normal setback for the district.
- E. CCD Support Structure Safety - The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within 45 days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.
- F. Fencing; Guy Wires
1. A fence shall be required around the CCD support structure, guy wire anchors and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight feet and a maximum of ten feet in height.
 2. All guy wires shall be marked or colored to be clearly visible and shall not be artificially illuminated unless required by the FAA or FCC.

- G. Landscaping - Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure, and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- H. Collocation; Other Uses - In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of collocated facilities. The Applicant shall provide a letter of intent committing the CCD owner and his or her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. The proposed structure, if evidenced by need as determined by the Township, shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- I. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the CCD; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- J. Access - Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten feet with a dust-free, all weather surface for its entire length.
- K. Color and Lighting; FCC and PA DOT Notice - CCD support structures under 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 200 feet in height or taller, those near airports, or those which are otherwise subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with Federal Aviation Administration requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PA DOT requirements.
- L. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- M. Historic Structures - A CCD shall not be located on a building or structure that is listed on a historic register or within 500 feet of such a structure.
- N. Maintenance; Discontinued Use
1. The CCD, support structure and any accessory structure shall be maintained and kept in a state of repair so that the same do not constitute a nuisance or hazard to the health or safety of the community or nearby

residents or properties.

2. Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located, shall be required to remove the same within 180 days cessation of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. A copy of the relevant portions of any signed lease, licence or other agreement or conveyance which requires the applicant to remove the facilities upon cessation of operation's at the site shall be submitted at the time of application. The Township may also require a financial guarantee from the applicant for the removal of the structure, such guarantee in an amount deemed adequate by the Township and in a form approved by the Township Solicitor.
- O. Fire Suppression System - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.
- P. Application - As part of the conditional use application the applicant shall also submit the following supplemental information:
1. A copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1).
 2. Proof of compliance with applicable FCC, FAA, Commonwealth Bureau of Aviation and any applicable airport zoning regulation.
 3. Proof that the proposed CCD does not interfere with public safety telecommunications as verified by an intermodulation study and other appropriate study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
 4. A plot drawn to scale showing property boundaries, power locations, CCD height, guy wires and anchors, existing structures, elevation drawings and depicting typical design of proposed structures, parking, fencing, landscaping, and existing uses on adjacent property.
 5. Name and address of the owners of the CCD and all equipment to be located at the site.
 6. Copy of the valid FCC license for the proposed activity or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
 7. A written agreement signed by the applicant and owner of the property to remove the CCD within 180 days of cessation of use, which written agreement, including financial guaranties, shall be in a form acceptable to the Township.
 8. Written certification from the applicant and its engineer that the proposed CCD could not be placed on an existing CCD or facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.
 9. A letter of intent committing the CCD owner and the common carriers using the CCD and their respective heirs, personal representatives, successors, and assigns to allow Polk Township and any other governmental agency to utilize the CCD to facilitate emergency equipment upon reasonable terms and conditions and to allow use of the CCD in the event of an emergency.

10. Any and all permits and/or approvals required from any and all local state and federal authorities must be obtained by the applicant and copies of same provided to the Township.

818 Reserved

819 Concentrated Animal Feeding Operations NEW

This section is intended to provide standards for industrial-like agricultural operations with animal densities which are likely to create effects on the environment and community which exceed those effects normally associated with typical farming. It is not intended to supersede the Pennsylvania Nutrient Management Act in terms of regulation of the storage, handling or land application of animal manure or nutrients or the construction, location or operation of facilities used for the storage of animal manure or nutrients or practices otherwise regulated by the Act. The definitions and calculations in this section are intended to be consistent with the Nutrient Management Act and all information and studies required by this section shall, at a minimum, include the information required by the Act.

819.1 Compliance

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

819.2 Definition

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

819.3 Standards

The following standards shall be applied to all CAFO's and no approval shall be granted until all required information and plans have been submitted by the applicant and have been approved by the Township. Failure of the applicant to implement any of the required plans shall constitute a zoning violation subject to the penalties and remedies contained in this Zoning Ordinance.

- A. Setbacks - CAFO buildings and corrals used for housing or confinement of animals shall not be less than 250 feet from any property line and not less than 500 feet from any existing principal building not located on the land with the CAFO.
- B. Nutrient Management - A nutrient management plan shall be prepared in accord with the requirements of Title 25, Chapter 83, Subchapter D, Pennsylvania Code.
- C. Stormwater Management - A stormwater management plan shall be prepared meeting the requirements of the applicable Subdivision and Land Development Ordinance.
- D. Conservation - A conservation plan shall be prepared meeting the requirements of the County Conservation District.
- E. Buffer - A buffer plan shall be prepared in accord with §701.1 to minimize CAFO visibility from adjoining properties and minimize sound and odor emanating from the property
- F. Solid and Liquid Wastes - Solid and liquid wastes shall be disposed of in a manner to avoid creating insect or rodent problems, and an insect/rodent abatement plan which shall be prepared
- G. Operation and Management - The applicant shall demonstrate that they will meet the operational and

management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity

- H. Waste Discharge - No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards of local, state and/or federal regulatory agencies.
- I. Odor - The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain agricultural activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare. (See also §701.10.)
- J. Pesticides - The applicant shall document that the use of pesticides will meet state and federal requirements.
- K. Floodplain - No CAFO buildings shall be erected in the one hundred-year floodplain
- L. Other Requirements - See also §701.6 (Noise), §701.21 which requires proof of compliance with state and federal regulations, §703 (Environmental Impact Statement) and §708 (Transportation Impact Statement).

820 Reserved

821 Contractor Yards and Staging Areas for Equipment/Materials NEW

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

821.1 Access to Public Roads

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

821.2 Setbacks

- A. Residential and Nonresidential Buildings - Contractor yards and staging areas for equipment/materials shall not be less than 300 feet from any existing principal residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the facility is located.
- B. Property Lines - Contractor yards and staging areas for equipment/materials shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.

- C. Public Roads - Contractor yards shall not be less than 50 feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Contractor yards and staging areas for equipment/materials shall not be less than 100 feet from any stream, water body or wetland.
- F. Slope - Contractor yards and staging areas for equipment/materials shall be located on slopes of less than eight percent. Low spots and poorly drained places shall be avoided.

822 Reserved

823 Correctional Facilities NEW

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

823.1 Parcel Size

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

823.2 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 200 feet from any property line and the right-of-way line of any abutting public road, and 500 feet from any:
 - 1. residence
 - 2. group care facility
 - 3. commercial enterprises catering primarily to persons under 18 years of age
 - 4. public or semi-public building
 - 5. public park or public recreation facility
 - 6. health facility
 - 7. House of worship or related use, or other similar religious facility
 - 8. public or private school
- B. A perimeter security fence, of a height and type determined by the Township, may be required.

823.3 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.

823.4 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.

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

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

825.1 Lot Size and Width

A minimum size lot of three acres shall be required with a minimum width of 250 feet.

825.2 Setbacks

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

825.3 Access

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

826 Reserved**827 Explosives and Fireworks Plants or Storage Facilities NEW**

Explosives plants or storage facilities and fireworks plants or storage facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to all other applicable standards, the following shall apply.

827.1 Setbacks

Setbacks for the facilities shall comply with state and federal regulations. Ancillary facilities such as offices, employee parking, truck parking and loading and accessory structures and uses shall comply with the buffer requirements in §827.2.

827.2 Buffer

- A. **Buffer Required** - An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. **Buffer in Setback Area** - Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
- C. **Buffer Design** - Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- D. **Maintenance** - It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

827.3 Parking and Staging Areas

Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging

on any public road right-of-way.

827.4 Local, State and Federal Regulations

The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

827.5 Informational Requirements.

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §827.5, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance.
- B. Hazardous Materials Inventory - An inventory of hazardous materials, a drawn-to-scale site plan of their locations, and a brief explanation of the hazards involved, are submitted for use by public safety officials.
- C. DEP Application Information - A copy of all applications and information required by the applicable Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations.
- D. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval.

827.6 Reporting Requirements

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

828 Reserved

829 Flea Markets, Outdoor NEW

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

829.1 Parcel Size

A minimum parcel of two acres shall be required.

829.2 Setbacks

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

829.3 Parking

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

Was §411 Commercial Timber Harvesting. Changed to match definition of *forestry* from PA MPC.

830 Forestry

Commercial timber harvesting operations are permitted by right in all districts provided compliance with this §830 is maintained for the duration of all harvesting and required followup activities.

830.1 Exemptions

The following forestry activities are exempt from these regulations:

- A. A person cutting on his own property or the property of another with permission for his own or his family's personal use.
- B. Clearing of a building pad for a home, garage, accessory buildings, farm structures, or recreational facilities or other uses normally incidental to the residences or principal uses allowed in that district.
- C. Clearing for a garden or horticultural operations or other farming operations.
- D. Selective cutting of timber from a farm woodlot up to 25 acres for personal use or for sale as a cash crop.

830.2 Notice

Forestry operations shall be required to notify the Zoning Officer ~~Township Supervisors~~ in writing prior to start of any harvesting or site preparations in order to alert all parties if road limitations or impact might become a problem and to prevent such problems.

830.3 Harvesting Plan Recommended

Although not required by this Ordinance, the timber resource management concept should include, for the property owners protection, a harvesting plan listing methods to be used, disposition of tops, access routes, staging areas, and measures to prevent erosion and sedimentation. Harvesting methods which stimulate forest regeneration, maintain the natural resource quality and aesthetic beauty of Main Township are preferred and encouraged. Clear-cutting is recognized as a harvesting method which may be appropriate for very large woodland holdings of several thousand acres or more for the express purpose of wildlife habitat improvement. However, clear-cutting of smaller timber tracts is potentially inconsistent with the Main Township goals to maintain the wooded hillsides and prevent erosion of steep wooded ravines. Where the proposed clear-cutting involves floodplains and steep slopes exceeding 20 percent such proposals should be avoided ~~discouraged~~.

830.4 Watercourses

- A. In accord with Pennsylvania law, harvesting operators, whether commercial or private landowner, shall not drive logging equipment through or across watercourses or leave tops which block watercourses.
- B. Buffers of existing vegetation shall be left intact along watercourses ~~streams~~ except for removal of hazard trees. For purposes of this Ordinance *hazard trees* include trees which pose a danger to life, property or utilities, or may create or increase flood levels/damage. **Buffer width????**

830.1 Placard

The Zoning Officer shall, upon approval of the zoning permit, also issue a permit placard which the applicant shall post conspicuously at the point of nearest public access to the property to be timbered, such posting to occur at least three days prior to the start of site preparation or timbering operations.

831 Gaming Establishments NEW

831.1 Separation

A gaming establishment shall not be permitted within 1,000 feet of any other separately deeded lot containing a gaming establishment. The distance between any two such facilities shall be measured in a straight line, without regard to intervening structures, from the closest points on each of the exterior lot lines of the separately deeded

lots upon which each facility is located.

831.2 Setbacks

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

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

831.3 One Facility per Building

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

831.4 Nuisances

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

831.5 Litter

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

832 Reserved

833 Hotels, Motels and Resorts NEW

This §833 is intended to provide specific standards for the development of hotels, motels and resorts at unit densities that allow 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.

833.1 Minimum Parcel Size

The minimum lot size required shall be _____ acres and the number of units shall be limited by the standards applicable to the use.

833.2 Design Criteria

- A. Setback, building height, lot width and depth, and lot coverage ratios applicable to the District shall be maintained.

- B. All facilities in a hotel, motel or resort 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.

834 Reserved

835 Industrial Wastewater Treatment Facilities and Water Withdrawal Facilities NEW

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

835.1 Setbacks

The following setbacks shall be maintained for the facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements in §835.2.

- A. Property Lines, Road rights-of-Way - 200 feet to adjoining properties and public road rights-of-way.
- B. Residential Structures - 300 feet to any existing residential structure not located on the project parcel.
- C. Water Bodies - 200 feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.

835.2 Buffer

- A. An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- B. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
- C. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- D. It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

835.3 Parking and Staging Areas

Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

835.4 Local, State and Federal Regulations

The facilities shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

835.6 Informational Requirements

- A. Application Information - The applicant and/or operator for all facilities shall provide the information required by this §835.6, all other application information required by this Ordinance, and all other necessary information to enable the Township to determine compliance.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.
- C. Conditions - The findings of the Township based on this information shall serve as a basis for the establishment of conditions.

835.7 Reporting Requirements

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

836 Reserved

837 Junk Yards UPDATED FROM CURRENT §424

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

837.1 Property Owner Responsibility

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

837.3 Operating Standards

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

- A. Federal and State Regulations - Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration, and all junk yards shall meet the licensing and screening requirements of the Commonwealth of Pennsylvania.
- B. Fencing - All junk yards shall be completely enclosed by a chain link fence not less than ten feet in height. All gates shall be closed and locked when closed for business. All fences and gates shall be maintained in good repair and in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence. The foregoing fencing provisions shall be applicable only to that portion of the premises being immediately used for the storage of junk and shall not be applicable to the balance of the property owned or used by said junk yard operator so long as said remaining portion of land is not being used for the storage of junk as defined in this Ordinance.
- C. Screening - All junk yards shall be screened, to the satisfaction of the Township, from any adjoining or neighboring property, any public road right-of-way, or any other premises; and, natural vegetative cover shall be maintained in all required setback areas. Vegetative plantings of sufficient height and density, berms, topography or fencing of such design may be used to effect the required screening as determined by the Township. All screening shall be maintained in such fashion as to continue to provide the required screening.

- D. Setbacks - The fence enclosing any junk yard and any structures associated with the junk yard shall be located not less than 50 feet from any public road right-of-way, 50 feet to any property line and 200 feet from any _____ District.
- E. Dumping - The area used for a junk yard shall not be used as a dump area for any solid waste as defined by this Ordinance.
- F. Burning - No burning whatsoever shall be permitted on the premises.
- G. Water Bodies - No junk yard shall be located less than 200 feet from any body of water, stream, wetland or well.
- H. Hazardous Materials - In cases where the junk yard includes ten or more junk vehicles or where the Township deems it necessary to meet the intent of this Ordinance, and to further protect ground water and surface water, all batteries, coolants, gasoline, diesel fuel, engine oil, any other petroleum products and any other noxious or potentially contaminating materials must be removed from all junk within two 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 or more junk vehicles or where the Township deems it necessary to meet the intent of this Ordinance, the owner of any junk yard shall be required to monitor the ground and surface water in the vicinity of the junk yard. Water testing shall be conducted every three months on any stream located on the premises or any stream within 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 samples shall be collected; one sample shall be taken from the stream at a point upstream of the junkyard drainage area and one sample shall be taken from the stream at a point below the junk yard drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Township, and results shall be provided to the Township. If said samples exceed the limits established by the Pennsylvania Department of Environmental Protection, the junkyard shall cease operation until such time as the source of the contamination has been identified and corrected in accord with DEP requirements.
- J. Fire Lanes - Fire lanes of a minimum width of 20 feet shall be maintained so that no area of junk shall span a distance of more than 50 feet.
- K. Hours of Operation - Any activity associated with the operation of the junk yard that produces any noise audible beyond the property line shall be conducted only between the hours of 7:00 a.m. and 8:00 p.m. During business hours, an adult attendant shall, at all times, remain on the premises.
- L. Stacking of Junk - Junk vehicles or major parts thereof shall not be stacked on top of any other junk vehicle or major part. No junk shall be stacked or piled to a height of greater than ten 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 days of arrival on the premises, all glass shall be removed from any broken windshield, window or mirror, and all trunk lids, appliance doors and similar closure devices shall be removed. Grass and weeds on the premises shall be kept mowed.
- N. Waste - Waste shall not be stored outside and shall not be accumulated or remain on any premises except

temporarily awaiting disposal in accord with this Ordinance. No junk yard shall be operated or maintained in violation of any state or federal regulations governing the disposal of any solid or liquid waste.

- O. Fireproof Structures - Every structure erected upon the premises and used in connection therewith shall be of fireproof construction.

838 - 840 Reserved

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

841.1 Procedures

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

841.2 Standards

Manufactured homes, recreational vehicles or travel trailers on display:

- A. Shall be permitted only on the same lot with a permitted principal commercial use.
- B. Shall not be placed upon permanent foundations.
- C. Shall comply with the setback and height requirements for principal structures and shall, in the case of manufactured homes, be included in the maximum lot coverage calculations.
- D. Shall not be served by any water supply or sewage disposal facilities.
- E. Shall, in the case of manufactured homes, not be located closer than 20 feet to any other manufactured home or a principal structure; and, in the case of recreational vehicles and travel trailers shall not be located closer than ten feet to any other unit or principal structure.

841 Reserved

842 Mineral Extraction UPDATES CURRENT §410

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

842.1 Findings

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. Planning Code Section 603(l) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or no coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at Section 603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act.

842.2 Intent and Exemption

- A. Intent - The intent of this section is to ensure the Township is supplied with all necessary information for making an informed decision about the proposed mineral extraction and, in the case of conditional uses, to establish the foundation for any conditions required to protect the public health, safety and general welfare.
- B. Oil and Gas Wells; Horizontal Capture of Natural Gas - Oil and gas wells shall comply with this §842 and the other applicable requirements. However, the horizontal capture of natural gas under the surface of a property where no surface disturbance is involved on the horizontal capture property is exempt from regulation by this Zoning Ordinance.

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

- A. Use Classification - Mineral extraction and oil and gas wells shall be permitted only in those Districts as listed in the Schedule of Uses.
- B. Mineral Extraction, Minor - The intent of this section is to permit mineral extraction operations limited in area, duration and mechanical operations.
 - 1. Extent of Operation - Mineral extraction operations with an open face of 10,000 square feet or less which will not result in a total disturbed area of more than two acres on any one parcel over the life of the operation, and which do not involve on-site screening, washing, crushing and grading, and/or any mineral processing or the use of manufacturing equipment, shall be hereinafter referred to as *mineral extraction, minor*.
 - 2. Duration - The duration of the minor mineral extraction process shall not exceed 180 days and reclamation of the entire site shall be completed within one year of the issuance of the zoning use permit.
 - 3. Subdivision - The subdivision of a parcel to qualify for additional *mineral extraction, minor* uses shall not be permitted.
 - 4. Plan Exemption - Mineral extraction, minor uses shall be exempt from the reporting requirements of §842.7; however, said operations shall comply with the other standards of this §842.
 - 5. Oil and Gas Wells - No oil or gas well shall be considered mineral extraction, minor.
- C. Mineral Processing (See also §842.)
 - 1. Separate and Distinct Use; Conditional Use in Specified District - Any use which involves the refinement of minerals by the removal of impurities, reduction in size, transformation in state, or other means to specifications for sale or use, and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products, shall be considered *mineral processing*, a separate and distinct use regulated as *manufacturing* by this Zoning Ordinance.
 - 2. Incidental with Extraction Operation - This shall not preclude the incidental screening, washing, crushing and grading of materials originating on the site as part of a mineral extraction operation.

842.4 Standards

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

A. Oil and Gas Wells in Certain Districts; Number of Wells

1. Certain Districts - A minimum parcel size of five acres shall be required for oil and gas wells in _____ Districts.
2. Number of Wells - Multiple wells may be permitted on one drilling pad.

B. Setback - A setback of 100 feet shall be maintained between any disturbed area associated with any mineral extraction, mineral extraction, minor or oil and gas well operation and adjoining properties and public road rights-of-way.

C. Undisturbed Buffer - The required setback areas shall be undisturbed to provide a buffer and shall not be used for parking, storage or any other purpose associated with the operation except landscaping and crossing of access roads.

D. Conditional Use Buffers - In determining the type and extent of the buffer required for conditional uses, the Township shall take into consideration the design of any project activities and/or structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

1. If required, the landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
2. Buffers shall be designed in accord with §701.1 and the design details shall be included on the site plan. Buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Township Subdivision and Land Development Ordinance.
3. It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

E. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

F. Access Road

1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten percent.
2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least 200 feet from a point on the access road to its intersection with all public and private roads.

G. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of 100 feet of Number 3 Penn Dot approved stone having a depth of not less than six inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.

- H. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.
- I. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.
- J. Conditions of Approval - If the Township determines that the standards in §701 which are not pre-empted are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare, provided the conditions do not include requirements which are preempted by state statute. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

842.5 Local, State and Federal Regulations

Mineral extraction, mineral extraction, minor and oil and gas well operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations. Applicable laws and rules and regulations include, but are not limited to the Noncoal Surface Mining Conservation and Reclamation Act and the Clean Streams Law.

842.6 Informational Requirements

The applicant shall provide:

- A. Township Application Information - The applicant shall, at a minimum, provide the information required by this Zoning Ordinance and the information required for land developments in the Subdivision and Land Development Ordinance. In addition the applicant shall submit all other information required to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval.
- B. DEP Application Information - A copy of all applications and information required by the applicable DEP Rules and Regulations.

842.7 Reporting Requirements

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

842.8 Expansion of Nonconforming Mineral Extraction Operations

Mineral extraction operations which are nonconforming by location in a zoning district where such operations are not allowed by the Schedule of Uses may expand to the limits of the DEP permit in effect at the time the operation became nonconforming. Any such expansion shall comply with the requirements of this §842.

842.9 Additional Requirements for Oil and Gas Wells

- A. Plot Plan - In addition to the information required by §1202.3, the plot plan shall show:

1. The proposed location of the well or wells.
2. The proposed means of access to the well or wells.
3. The proposed gathering or transmission lines.
4. The distance from any existing structures on the subject property or the immediately adjacent properties.
5. The location of local water supply wells or systems within 2,500 feet of the well pad.
6. Contours, existing and proposed, drawn at two-foot vertical intervals.
7. The location of site, streams, wetlands, and flood plains within 500 feet of the well location and other uses regulated by the PA Oil and Gas Act.

B. Information - The applicant shall provide:

1. Logs or other documentation showing the estimated deepest fresh groundwater.
2. The estimated depths of the proposed wells and the expected surface pressure.
3. A statement whether a pre-alteration or pre-drilling survey is to be conducted.
4. A proposed schedule indicating the following anticipated dates:
 - a. Beginning and end of:
 - 1) site preparation.
 - 2) drilling activity.
 - 3) completion (perforating) work.
 - 4) stimulation (fracturing) work.
 - 5) production work.
 - b. Plugging date.

C. Emergency Response Plan - The applicant shall submit an emergency response plan to the Township, the local fire companies and the Wyoming County Emergency Management Agency, providing, at a minimum:

1. The recommended first response by fire companies and other first responders to address:
 - a. Well leakage.
 - b. Spill containment.
 - c. Vandalism creating unknown conditions.
 - d. Defective casing or cementing.
 - f. Potential communication between the well and the groundwater supply.
2. A copy of the control and disposal plan for any expected fluids or solids encountered during the drilling and production stages indicating the following:

- a. The size and location of a storage pit for any material emanating from the well during drilling and site restoration;
 - b. The size and location of any tankage designed for the site and dikes for spill containment of said tank during well production.
 - c. Methods of oil separation and removal of all solids or liquid byproducts, including oil, from the site during production, if applicable
3. Emergency contact information.
 4. A proposed response plan containing a National Incident Management System (NIMS) compliant emergency management protocol.
 5. An emergency traffic control plan.
- D. Setback - Any disturbed area associated with an oil or gas well shall be located at least 300 feet from any dwelling or other inhabited structure.
- E. Site Maintenance and Fencing - The immediate areas surrounding all permanent production facilities shall be kept mowed and cleared of combustible materials for a distance of 15 feet in all directions and shall be enclosed by a chain link fence not less than six feet in height topped with a double outward strand of barbed wire.
- F. Transmission Lines - The owner and/or operator of all transmission lines shall provide the Zoning Inspector with a plat drawn to scale of all transmission line within 1,000 feet of the well. All transmission lines, buried or above ground, shall be marked with permanent markers. All lines crossing public highways shall be marked with permanent markers at each side of the right-of-way.

843 Mineral Processing and Mineral Depots NEW

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

843.1 Standards

- A. Setbacks - The following setbacks shall be maintained for any building, processing operation, unloading/loading area, or processing equipment or mineral storage area:
1. Property Lines, Road rights-of-Way - 200 feet to adjoining properties and public road rights-of-way.
 2. Residential Structures - 300 feet to any existing residential structure not located on the project parcel.
 3. Water Bodies - 200 feet to any body of water, perennial or intermittent stream, or wetland.
- B. Buffer
1. An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features

which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

2. Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
 3. Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Wyoming County Subdivision and Land Development Ordinance.
 4. It shall be the responsibility of the property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.
- C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the operation and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.
- D. Access Road
1. The access road to the site shall be improved with a dust-free all weather surface in such a manner that no water, sediment or debris will be carried onto any public or private road and the access road grade shall not exceed ten percent.
 2. Such road shall be installed and maintained to ensure a "mud free" gravel surface for at least 200 feet from a point on the access road to its intersection with all public and private roads.
- E. Tire Cleaning Surface - A *tire cleaning surface* consisting of a minimum of 100 feet of Number 3 Penn Dot approved stone having a depth of not less than six inches at all intersections with public roads during construction for drilling operations shall be installed and maintained.
- F. Surface Water - If surface water from any access road is anticipated to be redirected off the property onto adjoining property, the owner and/or operator shall submit a deed of easement, release and right of entry agreement or other similar document or agreement, signed by the adjoining property owner(s) and owner and/or operator, in a recordable form evidencing such owner's permission to discharge surface water onto their property.
- G. Waiting Vehicles - An off-street area for vehicles to stand while gaining entrance to the access road shall be provided on the site so that the normal flow of traffic on the public or private road is not disrupted.
- H. Conditions of Approval - If the Township determines that the standards in §701 are not adequate for a conditional use, the Board of Supervisors shall attach such other conditions deemed necessary to protect the public health, safety and welfare. Such conditions imposed by the Board of Supervisors may be related to hours of operation, more stringent noise control, dust suppression, outdoor operations and storage, lighting and glare, stormwater management, security, and other necessary safeguards.

843.2 Local, State and Federal Regulations

All operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

843.3 Informational Requirements

The applicant shall provide the information required by this §843.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval. The Applicant shall provide the following:

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

843.4 Reporting Requirements

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

844 - 846 Reserved

847 Pipeline Compressor Stations, Metering Stations or Operation/Maintenance Facilities NEW

Pipeline compressor stations, metering stations or operation/maintenance facilities (referred to as *facilities*) shall be allowed only in those districts as specified in the Schedule of Uses. In addition to the performance standards in §701 and all other applicable standards, the requirements of this §847 shall apply.

847.1 Standards

The facilities shall comply with the following requirements:

- A. Building; Noise - All compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §701.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within 300 feet of the compressor station building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.
- B. Setbacks and Buffers
 - 1. Facilities - The following setbacks and buffers shall be applied to any facilities used to compress, decompress, process, heat, alter or transform the pipeline product:
 - a. Setbacks - The following setbacks shall be maintained:
 - (1) Property Lines, Road rights-of-Way - 200 feet to adjoining properties and public road rights-of-way.
 - (2) Residential Structures - 300 feet to any existing residential structure not located on the project parcel.
 - (3) Water Bodies - 200 feet to any body of water, perennial or intermittent stream, or wetland.

b. Buffer

- (1) An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
- (3) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Subdivision and Land Development Ordinance.
- (4) It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

2. Other Components - Pipeline valves, metering stations, pig launchers/receivers, and other components which are located within the pipeline right-of-way and do not compress, decompress, process, heat, alter or transform the pipeline product shall not be less than 25 feet from any adjoining property line not subject to the right-of-way.

- C. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

847.2 Local, State and Federal Regulations

All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

847.3 Informational Requirements

The applicant shall provide the information required by this §847.3 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval. The Applicant shall provide the following:

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

847.4 Reporting Requirements

For any facility approved by the Township, the operator shall submit to the Township copies of all DEP-required or DEP-issued documents and reports associated with the operation, within 15 days of the date of the document or

report.

848 Power Plants NEW

Power plants shall comply with this §848.

848.1 Purposes

- A. To accommodate the need for power plants while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To avoid potential damage to adjacent properties through engineering and proper siting of such structures.

848.2 Standards

- A. Building; Noise - All turbines, compressors, engines and any mechanical equipment which requires noise reduction to meet Township standards shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers adequate to comply with the noise standards established by §701.6 or as otherwise established as a condition of approval. In any case, the operation of the equipment shall not create any noise that causes the exterior noise level to exceed the pre-development ambient noise levels as measured within 300 feet of the building(s). The applicant and or operator shall be responsible for establishing and reporting to the Township the pre-development ambient noise level prior to the issuance of the zoning permit for the station.

B. Setbacks and Buffers

1. Facilities - The following setbacks and buffers shall be applied to any facilities used as part of the electricity generation process:

- a. Setbacks - The following setbacks shall be maintained:

- (1) Property Lines, Road Rights-of-Way - 200 feet to adjoining properties and public road rights-of-way.
- (2) Existing Dwellingss - 750 feet to any existing dwelling.

- b. Buffer

- (1) An undisturbed area of not less than 50 feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer and shall not be used for parking, storage or any other purpose except landscaping and crossing of access roads and required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
- (2) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation and shall be a minimum of 25 feet wide.
- (3) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for

land developments in the Subdivision and Land Development Ordinance.

(4) It shall be the responsibility of the applicant and/or operator and/or property owner to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

2. Other Components - Pipelines and valves, metering stations, pig launchers/receivers, and other components which are located on the site shall not be less than 25 feet from any adjoining property line.

C. Fencing - A fence may be required around the perimeter of the power plant site unless the design of the structures adequately provides for safety.

D. Access; Required Parking - Access to the power plant shall be provided by means of a public street or easement to a public street adequate to serve the number and type of vehicles anticipated. The access and parking shall be improved with a dust-free, all weather surface. The number of required parking spaces shall equal the number of people on the largest shift.

E. Access Routes; Road Conditions - The Applicant shall provide a map showing the public roads in the Township proposed to be used to access the facility and provide an evaluation of the condition of any Township road which will be used and the potential damage which may occur from such use.

F. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the power plant developer.

G. Historic Structures - A power plant shall not be located within 500 feet of any structure listed on any public historic register.

848.3 Site Plan

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

848.4 Local, State and Federal Regulations

All facilities and operations shall comply with all applicable local, state and federal laws and rules and regulations. No zoning permit shall be issued until such time as the applicant provides evidence of compliance with state and federal regulations.

848.5 Insurance

The applicant shall provide a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the power plant.

848.6 Informational Requirements

The applicant shall provide the information required by this §848.6 and all other necessary information to enable the Township to assess the environmental, community and other public health, safety and welfare effects of the proposed operation. The findings of the Township based on this information shall serve as a basis for the establishment of conditions of approval. The Applicant shall provide the following:

- A. Application Information - The information required by this §848, all required application information, and all other necessary information to enable the Township to assess compliance with this Ordinance.
- B. Additional Information - The Township may require the applicant to submit details about ground and surface water protection, an Environmental Impact Statement, and a Traffic Impact Study.
- C. State and Federal Application Information - A copy of all applications and information required by the applicable state and federal agencies.
- D. Emergency Response - The Applicant shall submit the name, address and emergency telephone number for the operator of the power plant; and shall develop a Emergency Preparedness, Prevention and Control Plan in accord with state and federal requirements and generally accepted practice and submit the Plan for review and comment by the Township and the County Emergency Management Agency.

848.7 Reporting Requirements

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

849 Reserved

850 Race Tracks NEW

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

850.1 Setbacks

All areas for the driving, testing and/or maintenance of motor vehicles shall not be less than 500 feet from any property line or public road right-of-way, and shall not be less than one mile from any _____ District. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.

850.2 Animal Race Tracks

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

- A. The race course for any animal race track shall not be less than 500 feet from any property line or public road right-of-way. Greater setbacks and buffers may be required in accord with §701.1 to address community effects.
- B. Any stable building, corral, kennel or other indoor or outdoor area used for the keeping or feeding of animals, concentrated confinement of animals or manure and animal waste storage shall not be less than 100 feet from any property line or public road right-of-way.
- C. The Applicant shall provide a plan for manure and animal waste management satisfactory to the Board of Supervisors demonstrating that all manure and animal waste shall be managed and disposed of in accord with applicable local, state and federal regulations.

850.3 Buildings

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

850.4 Time Limitations

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

850.5 Repair Activities

All service and repair activities shall be conducted within a completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.

850.6 Tire and Part Storage

All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening, but in no case shall such outdoor storage exceed 500 square feet in area.

850.7 Storage

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

850.8 Fuel Documentation

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

850.9 Fencing and Barriers

Security fencing shall be provided around the facility (excluding parking areas) to prevent intrusion onto the racetrack and related areas. Safety fencing/barriers shall be provided between the racetrack and all areas where spectators, the public or any employee or other person has access.

850.10 Safety Plan

A facility safety plan shall be prepared to detail the specific procedures which will be followed to ensure the safety of the public, spectators, employees and participants which shall, at a minimum, address the following:

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

850.11 Bond/Insurance

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

851 Recreation Facilities, Outdoor Discuss current §420

852 - 853 Reserved

854 Self-Storage Facilities NEW

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

854.1 Bulk Requirements

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

854.2 Setback Areas

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

854.3 Fence

The facility shall be surrounded by a fence of such height and design as to restrict access to the warehouse, and said fence shall not be less than six feet in height and shall be located between the warehouse and any required vegetative screening.

854.3 Habitation

No storage unit shall be used for habitation or residential purposes and individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.

854.4 Storage Limitations

No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.

854.5 Lighting

All facilities shall be provided with adequate outdoor lighting for security purposes; and such lighting shall be so directed as to prevent glare on adjoining properties.

854.6 Fire - Water Damage

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

854.7 Materials Stored

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

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

This §857 is intended to provide minimum standards to regulate commercial outdoor shooting ranges(hereinafter referred to as *ranges*) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances.

857.1 Setbacks

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

857.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Township may require such additional safety features deemed necessary to meet the intent of this §857. Such features may include but not be limited to increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

857.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of §701.6 unless more restrictive standards are required by the Township as a condition of approval.

857.4 Hours of Operation

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

857.5 Fence

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

857.6 Posting

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

857.8 NRA Guidelines; State and Federal

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

858 Shopping Centers, Malls, and Multiple Occupant Commercial Buildings NEW

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

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

858.1 Conditional Use and Land Development

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

Said proposal shall also be considered a "land development" as defined by the Pennsylvania Municipalities Planning

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

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

858.2 Ownership

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

859 Reserved

860 Slaughterhouses NEW

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

860.1 Parcel Size

A minimum parcel of two acres shall be required.

860.2 Setbacks

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

860.3 Animal Confinement

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

860.4 Wastes

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

860.5 Operating Standards

The applicant shall demonstrate that they will meet the operational and management standards as may be set forth in treatises recognized by agricultural authorities or as the same may be produced by the Pennsylvania Department of Agriculture, Department of Environmental Protection, Pennsylvania State University, College of Agricultural Sciences, or similar entity.

860.6 Odor (See also §701.10.)

The applicant shall prepare an odor abatement plan and document the ability to comply with the plan. It is recognized that certain activities do produce odors, but the applicant shall show that odors can be reduced to a minimum or abated. The plan shall include such steps as may be necessary to abate odors or to allow odors at times to minimize interference with the public health, safety and welfare.

860.7 Other Requirements

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

861 Reserved**862 Solar Power Generation, Commercial NEW****862.1 Purposes**

The purpose of this §862 is to:

- A. Location and Number - Accommodate the need for solar power facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. Critical Development Areas - Avoid development of land-intensive solar facilities in areas designated for other uses critical to community and economic development.
- C. Grid Infrastructure Costs - Minimize utility grid infrastructure development costs by requiring solar facilities to be near substations with the capacity to accommodate the generated electricity.
- D. Traffic - Reduce traffic impacts by requiring solar facility access to roads with adequate capacity.

862.2 Permits; Use Regulations

- A. Permits - A permit shall be required for every solar power facility installed in the Township.

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

862.3 Standards and Design

A. Parcel Size; Location; Setbacks; Lot Coverage

1. The minimum parcel size shall be ten acres.
2. The parcel shall not be more than three miles from a utility substation with the capacity to service the proposed facility.
3. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be 100 feet from property lines.
4. The maximum lot coverage shall be 75 percent and the area of the solar collectors shall be included in the calculation of lot coverage.

B. Height - Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.

C. Fencing - A chainlink fence not less than six feet in height shall be installed around the perimeter of the facilities to restrict access.

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

E. Licenses; Other Regulations; Insurance - The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant

shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.

- F. Access; Required Parking - Access to the solar power facility shall be provided by means of a public road with the capacity to carry the anticipated amount and type of traffic. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers.
- G. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- H. Glare - The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.
- I. Historic Structures - A solar power facility shall not be located within 500 feet of any structure listed on any public historic register.
- J. Standards; Certification - The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- K. Uniform Construction Code - To the extent applicable, the solar power facility shall comply with the Pennsylvania Uniform Construction Code.
- L. Electrical Components - All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- M. Warnings - A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
- N. Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- O. Transmission and Power Lines - On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- P. Stray Voltage/Electromagnetic Fields (EMF) - The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- Q. Emergency Services - The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency

response plan for the solar power facility.

- R. Site Plan - A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

862.4 Public Inquiries and Complaints

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

862.5 Decommissioning

- A. Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within 12 months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.
- B. Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations, and any other associated facilities.
- C. Disturbed Earth - Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. Professional Engineer - An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (*decommissioning costs*) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (*net decommissioning costs*). Said estimates shall be submitted to the Township after the first year of operation and every fifth year thereafter.
- E. Financial Security Bond - The solar power facility owner or operator, prior to the issuance of a zoning permit, shall provide a financial security bond with the Township as payee in an amount approved by the Board of Supervisors, but not less than \$50,000, from a company and in a form and content acceptable to the Board of Supervisors, to insure the decommissioning within 180 days of the expiration of the license or lease and/or cessation of use. The bond shall remain in place for as long as the facilities exist at the site.
- F. Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
- G. Landowner Responsibility - If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have 180 days to complete decommissioning.
- H. Township Intervention - If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Township may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
- I. Release of Decommissioning Funds - The escrow agent shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Township concurs that decommissioning has been

satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.

863 Reserved

864 Solid Waste **Compare to and discuss current §417.**

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

864.1 Columbia County Solid waste Plan

The applicant shall demonstrate that the proposed facility is consistent with and specifically designated in the official Columbia County Solid Waste Management Plan and that all proposed functions and operations are specifically consistent with the official Columbia County Solid Waste Plan.

864.2 Setbacks

No part of any facility created after the effective date shall be located closer than 300 feet to an existing public right-of-way, property line or stream. The setback areas shall remain unoccupied with no improvements except required fencing and access road(s). A buffer not less than 50 feet in width shall be provided in all setbacks in accord with §701. Additional buffers and setbacks may be required in accord with this Ordinance.

864.3 Fencing

All facilities shall be completely enclosed by a chain link fence not less than ten feet in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.

864.4 Traffic Study

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

864.5 Storage and Loading/Unloading

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

864.6 Effluent Treatment

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

864.7 Dangerous Materials

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

864.8 Water Quality

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

864.9 Emergency Access

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

864.10 Hours of Operation

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

864.11 Nuisances

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

864.12 Attendant and Inspections

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

864.13 State and Federal Regulations and Reporting

The operation and day-to-day maintenance of the facility shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance. All solid waste transfer facilities (as defined by this Ordinance) shall be subject to all requirements of 25 PA Code Chapter 279 (as amended) Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Township regulations, it is intended for the purposes of this §864 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to DEP by the applicant shall be concurrently submitted to the Zoning Officer.

865 Reserved

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

867 **Reserved**

868 **Storage Yards for Forest Products and Minerals** **NEW**

The intent of this §868 is to provide standards for access to public roads and setbacks for storage yards for forest products and minerals.

868.1 Access to Public Roads

- A. Highway Occupancy Permit - Access roads to Township and State roads shall be in accord with a valid highway occupancy permit.
- B. Stabilization - The access road shall be adequately stabilized with stone, shale or other material to minimize soil erosion and the tracking of mud onto the public road.
- C. Weight Limitations - All operations shall comply with all posted weight limits and road bonding regulations.
- D. Use of Public Roads - Felling or skidding on or across any public road shall be prohibited without the express written authorization of the Township or the Pennsylvania Department of Transportation, as applicable.

868.2 Setbacks

- A. Residential and Nonresidential Buildings - Storage yards shall not be less than 300 feet from any existing residential, commercial, institutional, public or semi-public building, other than such building located on the property on which the landing is located.
- B. Property Lines - Storage yards shall not be less than 50 feet from any property line other than a property line along a public road right-of-way.
- C. Public Roads - Storage yards shall not be less than 50 feet from any public road right-of-way.
- D. Streams, Water Bodies and Wetlands - Storage yards shall not be less than 100 feet from any stream, water body or wetland.
- E. Slope - Storage yards shall be located on slopes less than eight percent. Low spots and poorly drained places shall be avoided.

869 **Reserved**

870 **Swimming Pool, Commercial** **NEW**

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

870.1 Setback

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

870.2 Parcel Size

The minimum lot area shall be two acres.

870.3 Enclosure

A fence, wall or other enclosure not less than six feet high and of a design to restrict access shall completely surround the area of the swimming pool. This enclosure shall be designed to be difficult for children to climb or slip through. All gates or door openings through such enclosure shall be self-closing and include a self-latching device on the pool side for keeping the gate or door securely closed when the pool is not in use.

870.4 Access

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

870.5 Hours of Operation

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

871 - 874 Reserved**875 Vehicle Related Uses UPDATES CURRENT §414**

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

875.1 Car and Truck Wash Facilities

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

- A. The principal building housing the said facility shall be set back a minimum of 60 feet from the road or street right-of-way line and 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 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 automobiles.
- E. Any wash facility located within 200 feet of any _____ District shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

875.2 Vehicle or Equipment Repair Operations

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

- A. All service and repair activities shall be conducted within in completely enclosed building where adequate measures shall be taken to minimize motor noise, fumes, and glare; except that minor servicing such as changing tires, sale of gasoline or oil, windshield washing and other similar normal activities may be conducted outside the said building.
- B. Only vehicles with current licenses and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored outdoors. If a legitimate, bonafide, service station stores more than four vehicles per interior service stall, it shall comply with the junk regulation set forth in this Ordinance.

Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.

- C. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- D. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid fence to provide screening. Used tires and parts shall not be stored on the premises in excess of what would normally accumulate in 30 days of normal operation.
- E. Gasoline pumps and other service appliances may be located in the required front setback, but shall not be situated closer to the road or street right-of-way line than 30 feet or the PennDOT requirement, whichever is greater. Any above ground storage tanks shall not be placed in the front setback area.
- F. No vehicles shall be stored in any required setback areas.
- G. Any operation which is primarily intended to serve trucks with three or more axles or tractor-trailer trucks shall have a minimum lot area of two acres, and all areas for fueling and servicing shall be not less than 100 feet from any _____ District .
- H. All major repair, welding, auto body, painting and similar work shall be performed within a building with a fume collection and ventilation system that directs noxious fumes away from any adjacent buildings. All such systems shall meet all required state and federal health and safety standards.

875.3 Vehicle or Equipment Sales Operations

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

- A. All principal and accessory buildings and structures shall be in accord with the setback, building height and lot coverage requirements of the district.
- B. The outdoor display of new and used cars, trucks, motorcycles, mobile homes, recreation vehicle and travel trailers shall meet the appropriate front, side and rear setback requirements as for the district.
- C. Activities which are normally accessory to such sales operations, such as engine tuneup and repairs, body repairs, painting, undercoating and other similar activities shall be conducted in accord with the applicable standards in §875.2.
- D. Only vehicles with current license and current registration waiting to be repaired or serviced or waiting to be picked up by the vehicle owner may be stored in any exterior area. If a legitimate, bonafide, service station stores more than four vehicles per service stall in exterior areas, it shall comply with the junk yard regulations set forth in this Ordinance. Proof of current license and current registration or ownership of any vehicle will be required upon demand by the Zoning Officer.
- E. No area on the lot which is required for the movement of vehicles in and about the buildings and facilities shall be used for complying with the off-street parking requirements of this Ordinance.
- F. All new or used tires and parts shall be stored within a completely enclosed building or area contained by a solid

fence to provide screening. Piles or stacks of tires or other materials in exterior areas shall be prohibited at all times.

G. No vehicles shall be stored in any required setback areas.

876 Reserved

877 Water Withdrawal Facilities

See §835.

878 Reserved

879 Wind Energy Facilities NEW

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

879.1 Purposes

- A. To accommodate the need for wind energy facilities while regulating their location and number in the Township in recognition of the need to protect the public health, safety and welfare.
- B. To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

879.2 Permits; Use Regulations

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

879.3 Standards

- A. Wind Energy Facility Height - The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.
- B. Parcel Size; Setbacks
1. Separate Parcel - If the parcel on which the wind energy facility is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of 30 feet.
 2. Lease, License or Easement - If the land on which the wind energy facility is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
 3. Principal Structures - No windmill shall be located less than 500 feet from any principal residential structure existing prior to the erection of the windmill.
- C. Wind Energy Facility Support Structure Safety - The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind energy facility and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within 45 days of initial operation, the owner and/or operator of the wind energy facility shall provide a certification from a Pennsylvania registered professional engineer that the wind energy facility and all structures comply with all applicable regulations.
- D. Fencing - A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.
- E. Landscaping - Landscaping may be required to screen as much of the wind energy facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the wind energy facility ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.
- F. Licenses; Other Regulations; Insurance - The applicant must demonstrate that it has obtained the required licenses from governing state and federal agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the wind energy facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind energy facility.
- G. Access; Required Parking - Access to the wind energy facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least ten feet with a dust-free, all weather surface for its entire length. If the wind energy facility

site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

- H. Color and Lighting; FAA and PA DOT Notice - Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PA DOT Bureau of Aviation regulations. No windmill may be artificially lighted except as required by FAA requirements. The applicant shall provide a copy of the response to *Notice of Proposed Construction or Alteration* forms submitted to the FAA and PA DOT Bureau of Aviation.
- I. Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the wind energy facility developer.
- J. Historic Structures - A wind energy facility shall not be located within 500 feet of any structure listed on any public historic register
- K. Discontinued Use - Should any wind energy facility or windmill cease to be used, the owner or operator or then owner of the land on which the wind energy facility or windmill is located, shall be required to remove the same within one year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form and amount determined by the Board of Supervisors with the advice of the Township Solicitor, to guarantee the removal of the windmill.
- L. Site Plan - A full site plan shall be required for all wind energy facility sites, showing the wind energy facility, windmills, building, fencing, buffering, access, and all other items required for conditional uses by this Ordinance.

879.4 Public Inquiries and Complaints

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

879.5 Wind Test Towers

Temporary wind test towers may be erected as a conditional use in Districts where wind energy facilities are permitted in accord with other applicable requirements. Such towers shall be removed within 18 months of installation.

**UPDATED
ARTICLE IX
NONCONFORMITIES**

901 Purpose, Applicability, Registration, and Continuation and Change

901.1 Purpose.

- A. To recognize that if, prior to the adoption of this Ordinance, as amended, , property was used for a then lawful purpose or in a then lawful manner which this 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.
- B. To limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that the change, alteration, reconstruction, reestablishment, or extension of nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this Ordinance.
- C. 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 preexisted the applicable provisions of this Ordinance, as amended, or which are recognized by §903 or §904. 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.

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

902.2 Nonconforming Structure

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

902.3 Nonconforming Structure, Alteration or Expansion

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

902.4 Nonconforming Structure, Reconstruction

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

902.5 Nonconforming Use

A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was lawfully in existence prior to the enactment of this Ordinance, as amended.

902.4 Nonconforming Use, Change

The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses.

902.5 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.

902.6 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 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 regulations 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 Maintenance; Condemned Structures**905.1 Maintenance**

Normal maintenance and repair, such as painting, replacement of siding, and similar activities is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconforming, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, shall comply with all other applicable

standards and permit requirements of this Ordinance.

905.2 Condemned Structures

A nonconforming structure which has been legally condemned shall not be rebuilt or used except in accordance with the provisions of this Ordinance.

906 Changes of Nonconforming Uses

906.1 Special Exceptions

All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria contained in §1208.4 and the review factors in §912.

- A. More Restrictive Classification - 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 Zoning Hearing Board in accord with classification of the uses in the Schedule of Uses.
- B. General Standard - 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 this Ordinance to eliminate incompatible uses from specific zoning districts. (For example, a change from a nonconforming retail store in an R-1 Residential 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 special exception unless the proposed use is classified as a special exception by the Schedule of Uses. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- B. Conversion - The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a special exception. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

907 Extension of Nonconforming Uses (See §910 for structure expansion.)

907.1 Special Exceptions

All extensions of nonconforming uses into more area of a structure or onto more area of property shall be considered special exceptions subject to the specific procedures and review criteria contained in §1208.4 and the review factors in §912.

907.2 Extension onto Other Properties; New Structures

A nonconforming use may be extended to a property immediately adjacent to the existing nonconforming use. For any nonconforming uses not involving a nonconforming structure, no new structures shall be permitted as part of an extension.

907.3 Extension Limitation

- A. Limit - An extension of land or structure utilized for the nonconforming use shall be limited to a total increase

not to exceed 50 percent of land and 50 percent of structure beyond what existed at the time the use became nonconforming.

- B. Increments - All such extensions of a nonconforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application. Applications for successive increments shall only be entertained by the Township upon the completion of the previously approved addition or extension.
- C. Natural Expansion - For nonconforming uses whose normal operations involve natural expansion (quarries, junk yards, cemeteries, etc.), expansion shall be permitted by right up to 25 percent at the effective date of this Ordinance. For expansion beyond 25 percent, a special exception shall be required. ???????
- D. Conforming Use Displacement - A nonconforming use shall not be extended to displace a conforming use.
- E. Applicable Standards - The extensions or enlargements shall conform to the setback, lot coverage, height and other standard of the district.
- F. Floodway - The extension of a nonconforming use shall not be permitted in any floodway portion of a 100-year floodplain.

907.4 Prohibited Extensions

Should the use proposed for extension be one which is specifically prohibited as a new use in the Township or is a use 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 Zoning Hearing Board shall consider past operating performance in making its decision.

908 Restoration of Structure or Use

A nonconforming building or other structure which has been damaged or destroyed by fire, explosion, windstorm, flood or other similar cause may be repaired or reconstructed and used as before the time of damage, provided:

908.1 Time Limit

The repairs or reconstruction commences within one year of the damage and is completed within two years of the permit issued for the repair/reconstruction.

908.2 Size, Bulk, and Area

The repair or reconstruction does not exceed the size, bulk, and area that existed prior to the damage, unless otherwise approved per this Ordinance.

908.3 Floodplain or Floodway

- A. Floodplain - Where the nonconformity is located within the 100 year floodplain, the new construction should comply, to the extent possible, with all of the floodproofing requirements contained in Article XIII.
- B. Floodway - Where the nonconformity is located within the floodway portion of the 100 year floodplain, the reconstruction shall not cause any rise in elevation of the 100 year flood.

908.4 Demolition

If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the

cost to replace the entire structure or use in accord with the most current construction standards, the reconstruction shall comply with current setback, lot coverage, height and other requirements of this Ordinance.

909 Abandonment and Reestablishment of Nonconformities

909.1 Abandonment

Unless extended in accord with §909.2, if a nonconforming use of structure or land ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of one year or more then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

909.2 Extension

The Zoning Hearing Board may, as a special exception and if deemed appropriate by the Zoning Hearing Board in accord with the standards in §1208.4 , grant a one-time extension of not more than one year for the re-establishment of the use of a nonconforming structure or a one-time extension of not more than 90 days for the re-establishment of the nonconforming use of land. Said extension shall only be considered by the Zoning Hearing Board upon written application for same submitted by the property owner.

910 Alterations and Expansions of Nonconforming Structures

The alteration or expansion of nonconforming structures shall be permitted only in accord with this §910.

910.1 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 special exception if the alteration or expansion involves a change or extension of a nonconforming use as regulated by §906 and §907, respectively.

910.2 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. Principal Permitted Use - In any district where single-family residences are permitted, a single-family dwelling and accessory buildings and uses may be erected as a principal permitted use on any lawfully existing nonconforming lot of record even though the lot area is less than the minimum requirements for the district.
- B. Standards - Side and rear setbacks, but not front setbacks, may be reduced by the same ratio as the lot is nonconforming as to area, but no side setback shall be reduced to less than five feet and no rear setback shall be reduced to less than 10 feet. This shall not apply to any required wetland, waterbody or watercourse setback or buffer, and all other district requirements shall apply.
- C. Adjacent Lots - Where two or more adjacent lots with less than the required area are held by one owner, the request for a zoning permit shall be considered a special exception and shall be referred to the Zoning Hearing Board which may require the owner of said lots to combine the lots or realign lot lines to create a lot or lots that

conform, or conform as nearly as possible (where total conformance is impossible), with the applicable requirements for lot dimensions and area.

911.2 Nonresidential Uses

A nonresidential use accessory buildings and uses may be developed on any lawfully existing nonconforming lot where permitted by the Schedule of Uses provided:

- A. Standards - All setbacks normally required in the district are maintained and all other applicable standards in this Ordinance are satisfied.
- B. Lot Size Requirement - this Ordinance does not require a lot size for the specific use which is greater than the lot size for the district.

912 Review Factors

In addition to all other applicable requirements, the Zoning Hearing Board shall consider any nonconformity special exception application in terms of the effect on the following factors:

912.1 Nuisance Considerations

- A. Traffic generation
- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage.
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

912.2 Specific Considerations

- A. Neighborhood Character. The proposed change will be less objectionable in external effects than the previous nonconforming use and will be more consistent physically with its surroundings and neighborhood.
- B. Storage of Materials. There shall be no increase in the amount of materials, supplies and/or products that are stored outside a nonconforming facility, as on a lot in a non-conforming use, excepting those types of uses noted in §701.3.
- C. Screening. Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a sawmill, farm machinery sales operation or similar operation), the use may only be expanded if a solid fence of wood and/or buffer, not less than six feet in height, is present on all sides of the immediate area in use. Setbacks and buffers shall be provided in accord with §701.1.
- D. Setbacks. No addition, change or expansion of a non-conforming use shall further violate setback and/or height regulations of the district in which it is located
- E. Parking and Access. In no case will a change, addition or expansion of a non-conforming use be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. The Township may require vegetative screening of the parking area from nearby residential areas in accord with §701.1.

- F. Average Daily Traffic. The applicant shall show how the proposed change will affect Average Daily Traffic (ADT) pursuant to the standards set forth in the most current Trip Generation Manual published by the Institute of Transportation Engineers, or its successor. If ADT will increase the applicant shall document to the satisfaction of the Zoning Hearing Board how any community impacts will be addressed.

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

This Article X shall apply to any development which involves the ownership and maintenance of conservation open space land, open land, recreation land, or common facilities (referred to as *common area* in this Article) as required by this Ordinance and the 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, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

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, and common facilities. 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 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 is 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, shall file the required notice of lien against the properties.

NOTE: This article is a sample and is much more detailed than the current Article 7. If the Board determines this is appropriate for the Township, the sign sizes will be adjusted to be consistent with the current Article 7.

SIGNS

1101 General

1101.1 Purpose

The Purpose of this Article XI is to establish standards for the regulation of signs in order to safeguard the public interest and to:

- A. preserve the beauty and the unique character of the Township and thereby enhance tourism and business;
- B. establish reasonable time, place and manner for the exercise of free speech, without regulating content;
- C. protect property values and ensure compatibility with the character of neighboring uses;
- D. protect the general public from damage and injury which may caused by the faulty construction of signs;
- E. protect pedestrians and motorists from damage of injury caused, or partially attributable to the distractions and obstructions caused by improperly situated signs;
- F. promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic;
- G. assure that signs are clear and provide the essential identity or direction to facilities in the community; and,
- H. enable the fair and consistent enforcement of the sign restrictions throughout the Township.

1101.2 Applicability – Effect

A sign may be erected, placed, established, painted, created or maintained in the Township only in conformance with the standards, procedures, exceptions, and other requirements of this Article. The effect of this Article as more specifically set forth herein is to:

- A. establish a permit system to allow a variety of types of signs in the various zones, subject to the standards and the permit procedures of this Article;
- B. allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Article, but without a requirement for permits;
- C. provide for temporary signs without commercial messages in limited circumstances in the public right-of-way; and,
- D. prohibit all signs not expressly permitted by this Article.

1101.3 Requirement of Conformity

No sign, for which a permit is issued after the effective date of this Article, may be placed or maintained in the Township except as provided herein. All signs maintained contrary to the provisions of this Article are declared to be nuisances, and as such may be abated as provided by law.

1101.4 Recommended Types of Signs

It is recommended that signs be:

- A. Wood or simulated wood relief. (See §1104.11.)
- B. Designed as an integral architectural element of the building and component of the site.
- C. Comprised of restrained colors, materials, and lighting and compatible with the building and site, and rural character of the Township.

1102 Definitions and Interpretation

Words and phrases used in this Article VII shall have the meanings set forth in this Section. Words and phrases not defined in this §1102 but defined in Article III 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 Article.

A-Frame or Sandwich Board Sign: A movable sign consisting of two faces, connected and hinged at the top.



A-Frame / Sandwich Board

Abandoned Sign: A Sign located on a property or premise which is vacant and/or unoccupied for a period of eighteen (18), 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 Article.

Area of Sign: In the case of individual letters used as a sign, the area is ninety (90) percent 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 directional sign which is used to direct pedestrian or vehicular traffic on a parcel to the location of an automated teller machine.

Automated Teller Machine Sign: Any sign located on or architecturally associated with the exterior face of an automated teller machine.

Awning Sign: Signs which are placed on or integrated into fabric or other material canopies which are mounted on the exterior wall of a building.

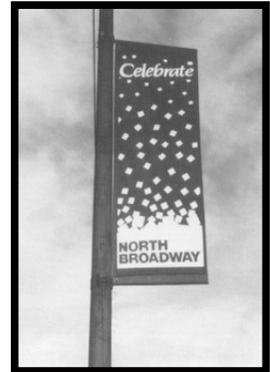


Awning Sign

Banner Sign: A sign intended to be hung either with or without a frame with characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric or similar material excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignia are displayed for noncommercial purposes.



Civic Event Banner

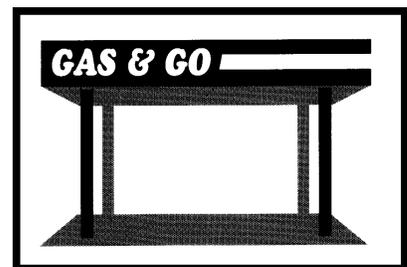


Banner Sign

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

Business: For the purposes of this Article VII, business shall mean any approved non-residential use including commercial, manufacturing, and industrial enterprises; public buildings and uses such as public schools, parks, civic centers, municipal buildings; and semi-public buildings and uses such as churches, fire houses, ambulance buildings, private schools, and libraries.

Business Name: The name by which a business is commonly recognized and used by the applicant. The applicant shall provide stationary or other supporting documents illustrating the use of the business name or verification of the official business license or tax name. Slogans or product information shall not be considered as the business name.



Canopy Sign on Freestanding Canopy

Canopy Sign: Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Panel Sign: A sign designed to allow its informational content to be changed or altered.



Changeable Panel Sign

Commercial Message: Any sign wording, logo, or other representations that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

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.



Development Sign

Directional Sign – An on-site sign, providing no advertising of any kind except the business name and logo, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities.



Directional Sign

Directory Sign: A sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purposes of giving directions, instruction, or facility information and which may contain the name and logo of an establishment but no advertising copy.

Double-Faced Sign: A sign with two faces, essentially back to back.

Easel Sign: A self-supporting, movable sign consisting of one (1) face with supporting legs or a supporting frame, or a sign displayed on an easel.

Electronic Message Sign: Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. This definition includes television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, and other similar media.



Directory Sign

Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

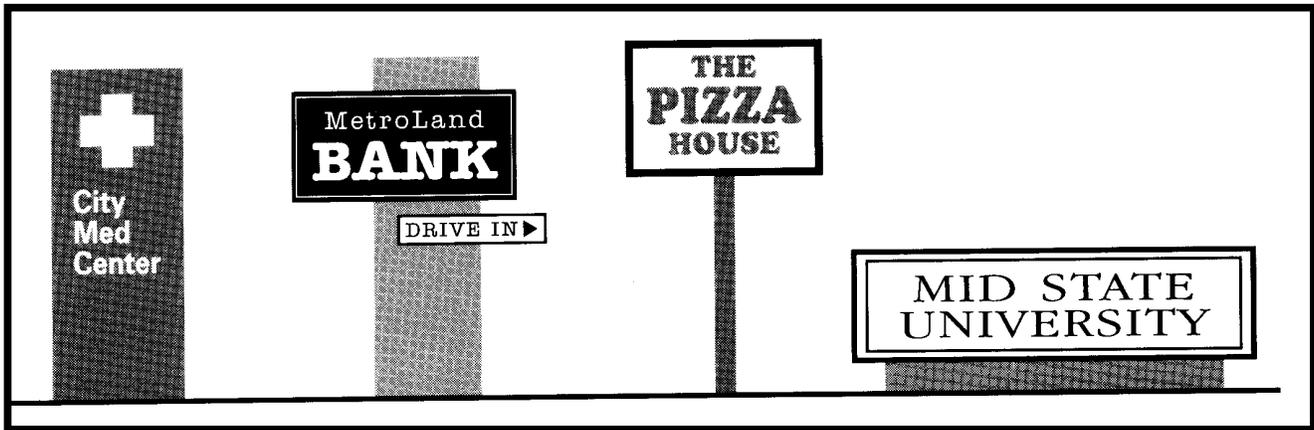
Facade: Any exterior wall of a building exposed to public view; and any structure or part of a structure attached to, or otherwise mounted parallel to, an exterior wall or other vertical part of the structure.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity which is mounted on a pole, cable, or rope at one end.

Freestanding Sign: A sign supported permanently upon the ground by poles or braces and that is not attached to any building. (See next page for illustrations.)

Government Sign: Any temporary or permanent sign erected and maintained by the Township, county, state, or federal government for traffic direction or for designation of or any school, hospital, historical site, or public service, property, or facility.

Grand Opening: The introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement, introduction or promotion of an established business changing ownership. A business qualifies for a grand opening sign when it has been closed to the public for a period of thirty (30) days.



MONUMENT PYLON POLE GROUND
Common Freestanding Sign Types

Ground Level: The finished grade of the adjacent street curb or where there is no street curb, six (6) inches above street grade. Ground level shall be the existing natural grade.

Ground Sign: A freestanding sign that is architecturally integrated with the building with individually mounted letters and/or logos only. This sign shall be built with continuous background surface built from the ground up.

Height: See §1104.3C.

Illegal Sign: Any sign erected without first obtaining an approved sign permit, other than non-conforming signs, and which does not meet the requirement of this Article.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Indirect Illumination: A source of external illumination located away from the sign, but which is itself not visible to persons viewing the sign from any street, sidewalk or adjacent property.

Individual Letters: A cut-out or etched letter or logo which is individually placed on a landscape, screen wall, building wall or ground sign.

Incidental or Instructional Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental or instructional.

Internal Illumination: A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of illumination is not visible.

LED: Light emitting diode.

Lineal Building Front Foot: The length of the building which contains the primary entrance used by patrons. In a



Internal and External Illumination



Incidental Sign or Instructional Sign

the mounting upon which the sign letters and logos are placed by the presence of a border, different colors, different materials, or other technique of visual framing around the letters or logos.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

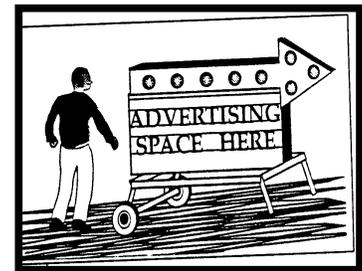
Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign: Any sign which is intended to be and is constructed as to be in lasting and enduring condition remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building, provided the sign is listed as a permanent sign in this Article.

Plate Line: The point at which any part of the main roof structure first touches or bears upon an external wall.

Political Sign: A temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Portable Sign

Projecting Sign: Any sign affixed to a building wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.



Projecting Sign

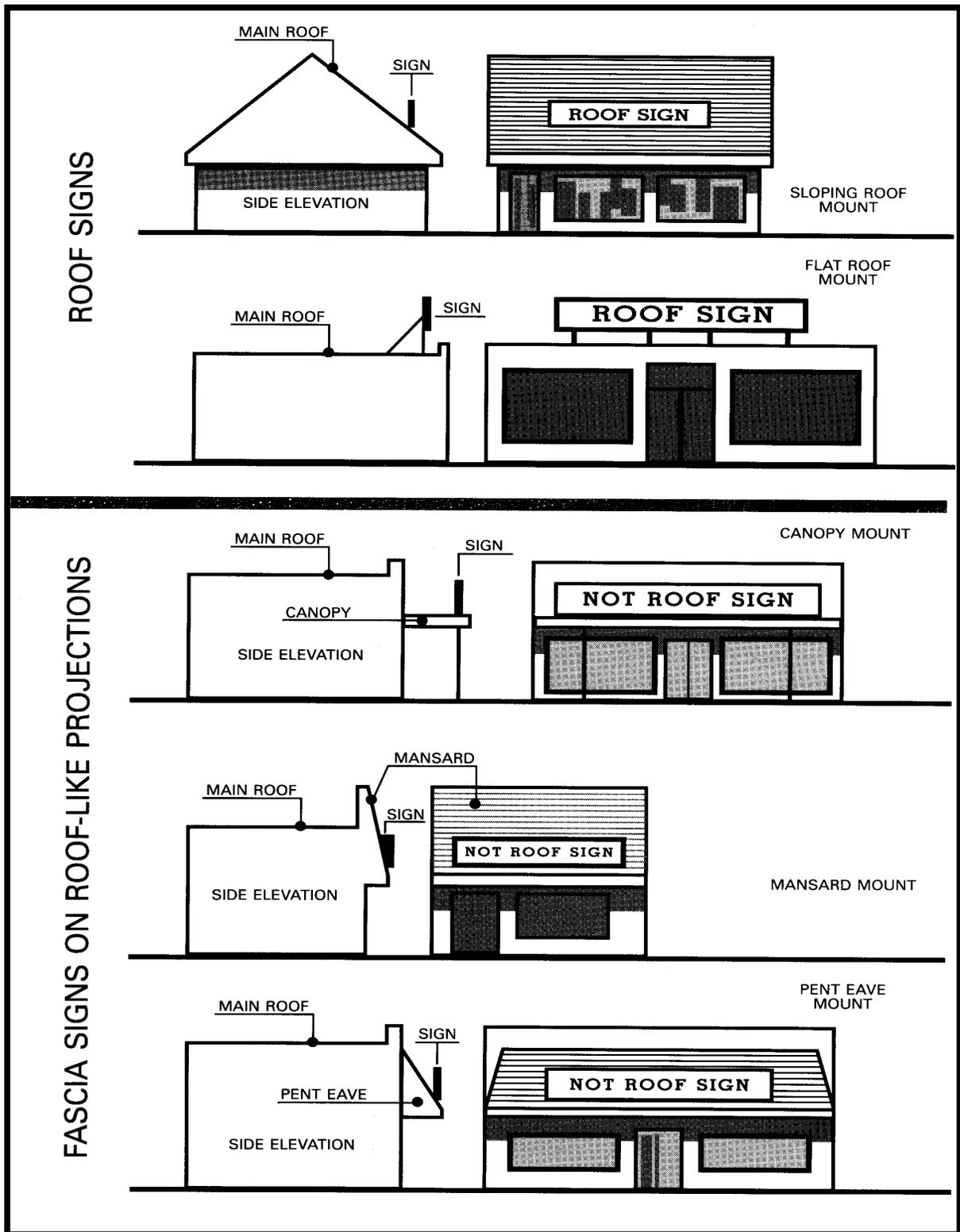
Public Property: Unless otherwise expressly provided, public property means any and all real or personal property over which the Township or other governmental entity has or may exercise control, whether or not the government owns the property in fee, including, sidewalks, rights-of-ways and improved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

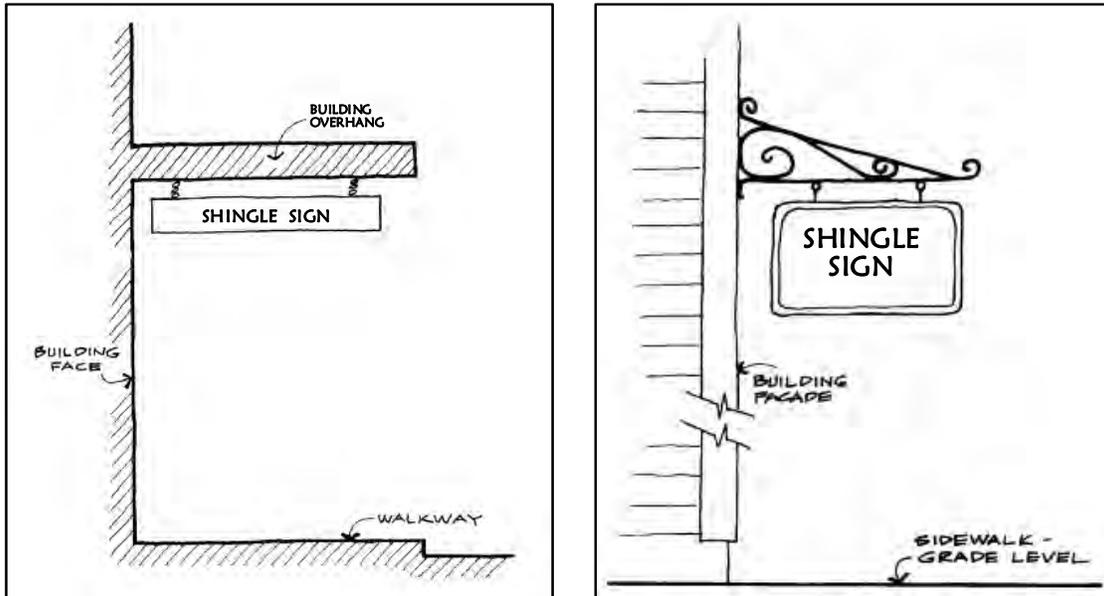
Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

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.



Comparison – 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.



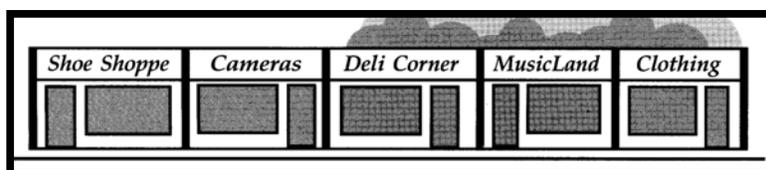
Sign: Any device for visual communication which is used or is intended to attract the attention of the public with a purpose of identifying, when the display of the device is visible beyond the boundaries of the public or private property upon which the display is made. The term “sign” shall not include any flag or badge or insignia of the United States, State of Pennsylvania, Columbia County, the Township, or official historic plaques of any governmental jurisdiction or agency.

Snipe Sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or to other objects, the advertising matter appearing on which is not applicable to the present use of the premises upon which such sign is located.

Special Event: A promotional event such as, but not limited to, grand openings, bazaars, street fairs, shows, exhibitions, sporting events, runs, bicycling events, and block parties. This does not include sidewalk sales occurring on private property where merchandise normally sold indoors is transferred from indoors to outdoors for sale.

Temporary Sign: Any sign, banner, pennant, or valance of advertising display constructed of cloth, canvas, light fabric, cardboard, plastic, wallboard or other like materials, with or without frames; or any sign not permanently attached to the ground, wall or building.

Wall 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. (See next page for illustration.)



Wall Signs

Window Sign: Any poster, cut-out letters, painted text or graphics, or other text or visual presentation affixed to or placed behind a window pane which is intended to be read from the exterior of the building.



Sign Comparison

1103 Procedures

The procedures included in this §1103 shall apply to all signs requiring permits.

1103.1 Requirement of Permit

A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this Article. However, a permit shall not be required for the following signs and actions, provided however, that such signs shall be subject to any and all applicable provisions of this Article.

- A. Exempt signs as specified in §1104.2.
- B. Routine maintenance or changing of the parts or copy of a sign, provided that the maintenance or change of parts or copy does not alter the surface area, height, or otherwise render the sign non-conforming.

1103.2 Permit Application

Applications for sign permits shall be submitted to the Zoning Officer in accord with §1202 and shall, at a minimum, contain or have attached thereto the information listed in this section.

- A. Name, address, and telephone number of the applicant.
- B. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- C. Name of person, firm, corporation, or association erecting the sign.
- D. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.

- E. A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- F. An elevation of such sign indicating the overall dimensions, the square footage, and height of top and bottom of sign above grade.
- G. A scale drawing indicating the location and position of such sign in relation to nearby buildings, structures, and lot lines.
- H. Calculation of the total sign square footage permitted.
- I. Copies of any other permit required and issued for said sign, including PennDOT and the Uniform Construction Code.
- J. Additional information as may be required by the Zoning Officer.

1103.3 Issuance Of Permits

Upon the filing of an application for a sign permit, the Zoning Officer shall examine the plans, specifications, and other submitted data, and the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this Article and other applicable ordinances and if the appropriate permit fee has been paid, the Zoning Officer shall issue a permit for the proposed sign.

1103.4 Permit Fees

- A. In accord with the Township fee schedule, the applicant shall tender a fee at the time of making application for a sign permit. Permit fees are not refundable.
- B. The owner of a legal nonconforming sign, which has been removed or brought into conformance with the terms of this Article shall not be required to pay a fee in order to obtain a permit for the conforming sign.

1104 General Requirements

1104.1 Prohibited Signs

All signs not expressly permitted or exempted under this Article from regulation are prohibited. Such prohibited signs include, but are not limited to the following:

- A. "A" Frame or Sandwich Board Signs - "A" frame or sandwich board and sidewalk, or curb signs, except as a temporary sign as provided for in §1105.
- B. Light Strings, Banners, Pennants, and Balloons - Strings of lights not permanently mounted to a rigid background, except those exempt under §1104.2, banners, pennants, streamers, balloons, and other inflatable figures, except as a temporary sign as provided for in §1105 of this Ordinance.
- C. Large Balloons - Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes.
- D. Animated, Moving and Flashing Signs - Signs which flash, revolve, rotate, swing, undulate, or move by any means, or otherwise attract attention through the movement or flashing of parts, including automatic, electronically controlled copy changes (except as permitted in §1110), or through the impression of

movement or flashing except for time and temperature indicators whose movement is either digital or analogue, and flags as permitted by this Article.

- E. Mirrors - Signs which use a mirror or similar device to attract attention by reflecting images or otherwise reflecting light.
- F. Portable and Wheeled Signs - Portable and wheeled signs, except as a temporary sign, as provided for in §1105 of this Ordinance.
- G. Projecting Signs - Signs which are attached or otherwise affixed to a building and project more than fifteen (15) inches beyond the wall surface of such building to which the sign is attached or otherwise affixed thereto, unless the sign is a shingle sign in compliance with §1108.7.
- H. Signs on Parked Vehicles - Signs placed on or affixed to vehicles, trailers and/or containers which are parked on a public right-of-way, public property or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
- I. Signs on Utility Poles or Trees - Signs which are attached or otherwise affixed to utility poles, or trees or other vegetation except for no trespassing signs.
- J. Signs Which Imitate Traffic Control Devices - Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
- K. Emissions - Signs which emit any sound, odor or visible matter such as smoke.
- L. Misinformation - Signs which contain information that states that a lot may be used for a purpose not permitted under this Article.
- M. Obscene or Pornographic - Signs or displays visible from a lot line that include words or images which are obscene or pornographic.
- N. Snipe Signs - Snipe signs.

1104.2 Exempt Signs

The following signs are hereby exempt from the permit provisions of this Article.

- A. Civic and Religious - Civic and religious organization signs indicating only the organization insignia, name, meeting place, and time. Such signs shall not exceed four (4) square feet.
- B. Directional or Instructional Signs - On-site signs, not exceeding four feet in aggregate gross surface area, which provide direction or instruction to guide persons to facilities intended to serve the public, providing that such signs contain no advertising of any kind. Such signs include those identifying rest rooms, public telephones, public walkways, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility, but not including those signs accessory to parking areas. Advertising material of any kind is strictly prohibited on directional and instructional signs.
- C. Noncommercial 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.

- D. Governmental Signs - Governmental signs for control of traffic, emergency response, and other public or regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger and aids to services or safety which are erected by, or at the order of a public officer or employee in the performance of the officer's or employee's duties. Such signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.
- E. 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.
- F. Interior Signs - Signs not affixed to a window and visible from outside and which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby court or entrance of any theater and which are not displayed to be visible from outside.
- G. Memorial Signs - Memorial plaques or tablets, grave markers, statutory, or other remembrances of persons or events which are non-commercial in nature.
- H. Name and Address Plates - Wall signs, one per street frontage and not exceeding one and two (2) square feet, indicating the name of the occupant, the address of the premises, and identification of any legal business or operation which may exist at the premises.
- I. No Trespassing and Other Similar Signs - No trespassing, no hunting, no fishing, no dumping, no parking, towing and other similar signs (as set forth in Title 75 of the Pennsylvania Vehicle Code and its regulations and as set forth in Title 18 of the Pennsylvania Crimes Code and its regulations) not exceeding two (2) square feet.
- J. Parking Lot Directional and Instructional Signs
 - 1. Directional Signs - Signs designating parking area entrances and exits limited to one sign for each entrance and/or exit and not exceeding four (4) square feet. Parking lot directional signs shall not project higher than five 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 nor exceeding an aggregate surface area of sixteen (16) square feet. Parking lot instructional signs shall not project higher than ten (10) feet for wall signs and seven (7) feet for ground signs, as measured from the established grade of the parking area(s) to which such signs are accessory.
- K. 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 32 square feet of aggregate surface area. Sponsors advertising on score boards may not exceed 25 percent of the surface area of the score board.
- L. Plaques - Plaques, nameplates, or memorial signs, directly attached or affixed to the exterior walls of a building, not exceeding four square feet in aggregate surface area.

- M. Public Notices - Official notices posted by public officers or employees in the performance of the officer's or employee's duties
- N. Signs on Vehicles - Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer. However, this is not in any way intended to permit signs placed on or affixed to vehicles, trailers and/or containers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or other property.
- O. Symbols or Insignia - Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two square feet not exceeding four square feet in aggregate area.
- P. Vending Machine Signs - Permanent, non-flashing signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information as to the use, and other similar information not exceeding four square feet not exceeding an aggregate surface area of eight square feet on each machine.
- Q. Warning Signs - Signs warning the public of the existence of danger, but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- R. Tourist Signs - Tourist orientation directional signs when erected in accord with a permit issued by PennDOT.
- S. Historic Signs - Signs which memorialize an important historic place, event or person and is specifically authorized by the Township or a county, state or federal agency.

1104.3 Construction Requirements

All signs permitted by this Article shall be constructed in accord with all construction code requirements and the provisions of this §1104.3.

- A. Sign Faces - All signs may be multi-faced.
- B. Computation of Sign Area
1. The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed and any surrounding border or frame.
 2. Supporting members of a sign shall be excluded from the area calculation.
 3. The area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
 4. Where the sign consists of individual letters or symbols attached directly on a building or window the sign area shall be the smallest rectangle that includes all of the letters and symbols. Any illuminated background shall be considered part of the sign and included in the area calculation.

5. The maximum area of a sign shall apply individually to each of the two sides of a sign, provided that only one side of a sign is readable from any location.

C. Computation of Sign Height

1. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
2. Normal grade shall be construed to be the lower of:
 - a. existing grade prior to construction, or
 - b. the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
3. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the district lot, whichever is lower.

- D. Wind Pressure and Dead Load Requirements - All signs and other advertising structures shall comply with the wind pressure and dead load requirements of the Uniform Construction Code.

- E. Construction of Supporting Members or Braces - Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive incombustible material. Every means or device used for attaching any sign to a building shall be approved by the Zoning Officer.

- F. Attachment of Signs to Fire Escapes - No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.

- G. Overhead Electrical Wiring - Overhead electrical wiring is prohibited and all electric signs shall be listed by a recognized testing laboratory.

- H. Public Right-Of-Way; Setbacks - No sign may be erected or maintained in the public right-of-way unless an encroachment permit has first been obtained for the sign. No freestanding sign other than official traffic signs shall be erected or maintained less than ten feet to the edge of any public road right-of-way and not less than ten feet from side and rear property lines.

- I. Obstruction to Ingress/Egress - No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

- J. Obstruction to Ventilation - No sign shall be erected, constructed, or maintained so as to interfere with any opening required for ventilation.

- K. Clearance from Electrical Power Lines and Communication Lines - All signs shall be located in such a way that

they maintain horizontal and vertical clearance of all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Code. However, in no instance shall a sign be erected or constructed within eight feet of any electrical power line, conductor, or service drop, or any communication line, conductor, or service drop.

- L. 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.
- M. Obstruction to Warning or Instructional Sign - No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- N. Traffic/Pedestrian Hazards - No sign shall be erected in such a way as to interfere with or to confuse traffic or pedestrians, to present any traffic or pedestrian hazard, or to obstruct the vision of motorists or pedestrians, and all signs shall comply with the clear sight triangle requirements of this Article.
- O. Protection of the Public - The temporary occupancy of a sidewalk, street, or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- P. Clearance - Clearance beneath overhead signs shall be at least nine (9) feet, measured from the ground or pavement to the bottom-most part of the sign.
- Q. Wall Signs
 - 1. Wall signs shall be securely attached to the wall; and each sign shall be parallel to and in the same plane as the wall to which the sign is attached and shall not extend more than six (six) inches from the wall, nor above or beyond the top and ends of the wall.
 - 2. The face of a wall sign shall not project more than fifteen (15) inches from the outside of the building's wall surface.
 - 3. No part of a wall sign shall extend above the roof eave, unless it is erected on a parapet wall or fascia that extends above the roofline of a flat roof on at least three (3) sides of a building.

1104.4 Maintenance

- A. Maintenance - The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean and sanitary condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Restoration or painting which changes the name, size, or location of a sign shall require a new permit.
- B. Painting Requirement - The owner of any sign shall be required to have all parts and supports of a sign properly painted, unless they are galvanized or otherwise treated to prevent rust and deterioration.
- C. Sign Owner's Responsibility - The sign owner shall be responsible for the maintenance of the sign. If the sign ownership should transfer, the new owner shall be responsible for the maintenance of the sign.

1104.5 Illumination

All signs permitted by this Article may be illuminated in accord with the provisions of §701.8 and the following:

- A. Type of Illumination - Illumination may be by internal, internal/indirect or by indirect means.
- B. Flashing - Flashing signs are prohibited in accord with §1104.1D. (See §1110 for permitted electronic signs.)
- C. Glare - All signs shall be so designed located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property. No lighting from any sign shall be of such intensity to cause the distraction of drivers, create a nuisance on surrounding properties, or otherwise create a safety hazard.

1104.6 Signs on Roof

No sign attached to a building shall be placed on nor shall extend above any part of the building roof. (See the definition of *roof sign* in §1102.)

1104.7 Awning and Canopy Signs

- A. Buildings - Signs affixed to the surface of an awning or canopy on a building are permitted provided that the sign does not extend vertically or horizontally beyond the limits of such awning or canopy. In addition:
 - 1. Awning and canopy signs shall only display the business name, logo, address and name of the proprietor or property owner. Letters or numerals shall not exceed a height of twelve (12) inches and shall be located only on the front and side vertical faces, except as provided for in this section. The minimum clearance above any walkway shall not be less than eight and one-half (8.5) feet.
 - 2. Letters and numerals shall be permitted on the sloped surface of an awning, provided that the business served by the awning sign does not use a wall sign(s), and provided further that the letters and numerals on the sloped surface of an awning shall not exceed a height of 40 inches and shall not exceed more than 25 percent of the sloped surface.
 - 3. An awning or canopy may extend into the road right-of-way, but shall not extend beyond a point one (1) foot back from the vertical plane formed by the road curb line. An awning or canopy shall not extend beyond a point one (1) foot back from the vertical plane formed by the curb line.
 - 4. An awning or canopy may not extend more than six feet from the building.
 - 5. No awning or canopy sign shall extend into a required side or rear setback.
 - 6. The maximum height of an awning or canopy shall be limited to the height of the rooftop or parapet wall of the building.
 - 7. A name sign not exceeding two square feet located immediately in front of the entrance to an establishment may be suspended from an awning or canopy provided that the name sign is at least 8.5 feet above the sidewalk.
- B. Fuel Service Canopy Signs - Service island canopy signs over fuel service islands indicating the brand, manufacturer and/or logo, shall be subject to the following:

1. Service island canopy signs shall be attached to the face of the canopy and shall not extend beyond the edges of the canopy.
2. There shall not be more than one service island canopy sign on each face of the canopy.
3. The gross surface of a service island canopy sign shall not exceed fifty (50) percent of the surface area of the canopy face to which it is attached.

1104.8 Window Signs

Window signs for commercial, manufacturing, industrial, public and semi-public uses, referred to as *business* in this section, shall be permitted subject to the following:

- A. 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.
- B. Area - No more than twenty-five (25) percent 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.
- C. 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.
- D. Illumination - Window signs may be internally illuminated

1104.9 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 twenty (120) square feet. Sign landscaping shall be part of the required project landscaping plan and shall be maintained in accord with §701.2.

1104.10 Reserved

1104.11 Wood Relief Sign Requirement

- A. Sign Area - The following signs shall be eligible for the maximum allowed sign area only if the sign complies with the requirements of this §1104.11 in addition to all other applicable requirements: (See the noted sections for size limitations if the sign do not comply with this §1104.11.)
 1. Residential development road entrance signs (§1106.2).
 2. Nonresidential use signs in residential districts (§1107).
 3. Individual business identification signs (§1108.1).
 4. Shopping center, mall and multiple occupant business identification signs (§1108.2).
 5. Business subdivision road entrance signs (§1108.3).
- B. Wood or Simulated Wood - The sign shall be wood or simulated wood relief only. The carved pattern is raised and seems to rise out of the underlying material.

- C. Architectural Element The sign shall be designed as an integral architectural element of the building and component of the site.
- D. Restrained and Compatible - Sign colors, materials, and lighting shall be restrained and compatible with the building and site.
- E. Illumination - The sign shall be externally illuminated.

1105 Temporary Signs

Temporary signs may be erected and maintained in accordance with the provisions contained in this §1105.

1105.1 General Conditions

- A. Permit Required - A permit shall be required unless a certain type of temporary sign is specifically exempted.
- B. Materials and Methods - The Zoning Officer shall impose as a condition of the issuance of a permit for temporary signs such requirements as to the material, manner of construction, and method of erection of a sign as are reasonably necessary to assure the health, safety, welfare, and convenience of the public.
- C. Illumination - Unless specifically permitted for certain signs, temporary signs shall not be illuminated in accord with this Article.
- 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 Banners, Flags and Signs

Temporary business banners, flags and signs (referred to as *temporary business signs*) in association with an approved use identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be subject to the following:

- A. Number - There shall not be more than five temporary business signs per lot, but such signs shall not be permitted on residential lots. Decorative flags that simply include abstract colors or patterns that include no text are not regulated by this Article, provided they do not exceed five per lot or business.
- B. Area - The aggregated area of all temporary business signs shall not exceed sixty (60) square feet. No individual sign shall exceed twenty (20) square feet.
- C. Location - Temporary business signs shall be located only upon the premises upon which the special, unique, or limited activity, service product, or sale is to occur. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary business signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary business signs shall be displayed for a maximum of thirty (30) consecutive days with a maximum of one (1) event per calendar quarter.

F. Permit Not Required - A permit shall not be required for temporary business signs.

1105.3 Temporary Development Signs

Temporary development signs in association with an approved use identifying the parties involved in the development to occur or occurring on the premises on which the sign is placed shall be subject to the following:

- A. Number - There shall not be more than one temporary development sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
- B. Maximum Area
 - 1. Residential districts - eight (8) square feet.
 - 2. Nonresidential districts – thirty-two (32) square feet.
- C. Location - Temporary development signs shall be located only upon the premises upon which construction either is about to occur, or is occurring. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway.
- D. Height - Temporary development signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary development signs shall be permitted only accessory to an approved zoning permit for a project or development. Temporary 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 Contractor or Subcontractor Signs

Temporary contractor or subcontractor signs for the sole purpose of designating the contractor(s) and subcontractor(s) engaged in the development of a property shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary contractor or subcontractor sign for each contractor or subcontractor working on the premises.
- B. Maximum Area
 - 1. Residential districts - eight (8) square feet.
 - 2. Nonresidential districts – thirty-two (32) square feet.
- C. Location - Temporary contractor or subcontractor signs shall be located only upon the premises where the contractor or subcontractor is actively working. Such signs may be located in any required setback area, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary contractor or subcontractor signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary contractor or subcontractor signs shall be permitted only accessory to an approved building permit for a project or development. Temporary contractor or subcontractor signs may

be erected and maintained for a period not earlier than sixty (60) days prior to the commencement of construction of the project or development and must be removed prior to an occupancy permit being issued or if no occupancy permit is required, the sign shall be removed upon project completion.

- F. Permit Not Required - A permit shall not be required for temporary contractor or subcontractor signs.

1105.5 Noncommercial Temporary Event Signs Including Banners

Temporary event signs announcing a campaign, drive, activity, or event of a civic, philanthropic, educational, or religious organization for non-commercial purposes shall be subject to the following:

- A. Number - There shall be not more than two (two) temporary event signs per lot.
- B. Maximum Area
1. Residential districts – sixteen (16) square feet.
 2. Nonresidential districts – forty (40) square feet.
- C. Timing - Temporary event signs may be erected and maintained for a period not to exceed thirty (30) days prior to the date of which the campaign, drive, activity, or event advertised is scheduled to occur and shall be removed within seven (7) days of the termination of such campaign, drive, activity, or event.
- D. Permit Not Required - A permit shall not be required for temporary contractor or subcontractor signs.

1105.6 Temporary Political Signs

Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

- A. Location - On private property, temporary political signs may be located in any required setback area.
- B. Height - Temporary political signs shall not project higher than fifteen (15) feet.
- C. Timing - Signs may be displayed for a period not to exceed thirty (30) days prior to the date of the election to which the signs are applicable and shall be removed within fifteen (15) days following the election.
- D. Road Setback - All political signs shall be located a minimum of five (5) feet from the edge of the paving or curb line of any public or private road, and shall not create a traffic hazard.
- E. Support - Each political sign shall be erected on its own support and shall not be attached to any of the following: trees, utility poles, fences, guardrails, buildings or other structures.
- F. Permit Not Required - A permit shall not be required for political signs. Prior to the erection of any political signs, the political candidate or the candidate's authorized representative should contact the Zoning Officer to ensure compliance with ordinance requirements.

1105.7 Temporary Real Estate Signs

Temporary real estate signs advertising the sale, lease, or rent of the premises upon which such sign is located shall be subject to the following:

- A. Number - There shall be not more than one (1) temporary real estate sign for each one thousand (1,000) feet of lot road frontage for each road on which the lot fronts.
- B. Maximum Area
 - 1. Residential districts - six (6) square feet.
 - 2. Nonresidential districts - twenty-four (24) square feet.
- C. Location - Temporary real estate signs shall be located only upon the premises for sale, lease, or rent. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- D. Height - Temporary real estate signs shall not project higher than fifteen (15) feet.
- E. Special Conditions - Temporary real estate signs shall be placed only when the premises is actively being marketed and shall be removed within seven (7) days of the sale or lease of the premises upon which the sign is located.
- F. Permit Not Required - A permit shall not be required for temporary real estate signs.

1105.8 Reserved

1105.9 Temporary Seasonal Agricultural Activity Signs

Temporary seasonal agricultural activity signs shall be subject to the following: (Examples of such signs include, but are not limited to, "Pick Your Own Berries," "Christmas Trees," or produce sales.)

- A. Area - The aggregate surface area of all signs shall not exceed 20 square feet.
- B. Location - Such signs shall be located only upon the premises where the seasonal agricultural activity is taking place. Such signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access to a public roadway.
- C. Height - Temporary seasonal farm product signs shall not project higher than fifteen (15) feet.
- D. Special Conditions - Such signs shall not be erected more than fifteen (15) days before the harvest of the produce and shall be removed within thirty (30) days from the end of the harvest.
- E. Permit Not Required - A permit shall not be required for temporary seasonal agricultural activity signs.

1106 Residential Uses

The following signs are permitted in all districts accessory to a permitted residential use.

1106.1 Residential Building Name and Address Signs

Name and address signs of 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 or more streets, one additional sign oriented to each abutting street shall be permitted.
- C. Area - Building name and address signs shall not exceed four (4) square feet.
- D. Location - Building name and address signs shall not be located closer than one-half the minimum setback required for the zoning district in which the sign is to be erected or within 15 feet of any point of vehicular access to a public roadway. The location and arrangement of all building name and address signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Building name and address signs shall not project higher than fifteen (15) feet for wall signs and five (5) feet for ground signs.

1106.2 Residential Development Road Entrance Signs

Residential development road entrance signs for developments with two or more buildings with a total of five or more dwelling units indicating only the name of the development, including single-family, two-family, and multi-family developments and mobile home parks, the management or developer thereof, and/or the address or location of the development shall be subject to the following:

- A. Type - The residential development road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) residential development road entrance signs for each point of vehicular access to a development.
- C. Area - Residential development road entrance sign area shall not exceed thirty-two (32) square feet. If the sign does not comply with the wood relief requirements of §1104.11 the sign area shall not exceed twenty-four (24) square feet.
- D. Location - Residential development road entrance signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Residential development road entrance signs shall not project higher than eight (8) feet.
- F. Sign Faces - Residential development road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1107 Nonresidential Uses in RR, R-1, R-2 and R-3 Districts

Principal nonresidential uses located in RR - Rural Residential, R-1 – Residential, R-2 - Rural/Village Residential and R-3 - Village Center Districts are permitted to have one (1) free standing and one (1) wall sign in accord with the following regulations:

1107.1 Area and Height

- A. The maximum area and height of freestanding signs shall be twenty-four (24) square feet and eight (8) feet

respectively. If the sign does not comply with the wood relief requirements of §1104.11 the sign area shall not exceed eighteen (18) square feet.

- B. The maximum area of wall signs shall be twenty-four (24) square feet. Window signs may be used in the place of wall signs with the same maximum square footage.

1107.2 Number

- A. The maximum number of freestanding signs shall be one (1) per lot. On a corner lot the sign shall be placed on the street of highest classification.
- B. The maximum number of wall signs shall be one (1) per principal building.

1108 C and I Districts

For all commercial, manufacturing, industrial, public and semi-public uses (referred to as *business* in this section) in the C - Commercial and I - Industrial Districts the following signs are permitted and then only if accessory to a permitted use, and such signs shall be subject to the requirements of this §1108 and any other applicable provisions contained in this Article:

1108.1 Individual Business Identification Signs

The provisions of this §1108 shall apply where an individual business is located on the lot. The following signs are permitted provided all regulations are met:

- A. Total Square Footage Permitted - Total aggregate sign area of signs permitted by this §1108.1 shall not exceed one hundred (100) square feet. If all signs permitted by this §1108.1 do not comply with the wood relief requirements of §1104.11 the total aggregate sign area shall not exceed seventy-five (75) square feet.
- B. Number Permitted
1. Only one (1) freestanding sign is permitted per lot, except on corner lots where one (1) may be permitted on each street frontage.
 2. A wall sign may be located on any wall of the principal building.
 3. Retail fuel sales signs are exempt from the total sign square footage limitation, but shall comply with §1108.5.
- C. Permitted Signs by Type
1. Freestanding Signs
 - a. The maximum area of a freestanding sign shall be fifty (50) square feet. If the sign does not comply with the wood relief requirements of §1104.11, the sign area shall not exceed forty (40) square feet.
 - b. The maximum height of a freestanding sign shall be eighteen (18) feet and shall be a minimum of eight and one-half (8.5) feet above grade.
 2. Wall Signs - The area of a wall sign shall not exceed twenty-five (25) percent of the area of the building

face to which it is attached, with a maximum of fifty (50) square feet. If the sign does not comply with the wood relief requirements of §1104.11, the area of a wall sign shall not exceed twenty (20) percent of the area of the building face to which it is attached, with a maximum of forty (40) square feet.

1108.2 Shopping Center, Mall and Multiple Occupant Business Identification Signs

The following provisions shall apply to developments, whether planned and developed on one lot or multiple lots as a group, in which two (2) or more businesses (commercial, manufacturing, industrial, public or semi-public uses) are housed in one (1) or more principal structures.

A. Freestanding Signs

1. Number and Area - The maximum number and area of freestanding signs shall be one (1) per street frontage of no more than fifty (50) square feet. If the sign does not comply with the wood relief requirements of §1104.11, the sign area shall not exceed forty (40) square feet.
2. Content - The freestanding development 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 development identification sign may include, affixed directly to it, a directory indicating only the names of the business occupants of the development which are not listed on the main sign face. The gross surface area of a directory sign shall not exceed ten (10) square feet for each exposed face for each occupant in the development. If all of the directory signs do not comply with the wood relief requirements of §1104.11, the sign area shall not exceed eight (8) square feet.
3. Height – The main identification signs shall not exceed eighteen (18) feet in height. Freestanding signs shall be a minimum of eight and one-half (8.5) feet above grade.

B. Individual Occupant Wall Signs (See §1108.7 for shingle signs.)

1. Number - There shall be not more than one (1) wall sign for each principal business occupant except that where a principal occupant abuts two (2) or more streets, one (1) additional such sign oriented to each abutting street shall be permitted.
2. Area - The surface area of a wall sign shall not exceed twenty (20) square feet. If the sign does not comply with the wood relief requirements of §1104.11, the sign area shall not exceed fifteen (15) square feet.
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.

1108.3 Business Subdivision Road Entrance Signs

Business subdivision road entrance signs for developments with two or more commercial, manufacturing, industrial, public and semi-public buildings (referred to as *business* in this section) indicating only the name of the development shall be subject to the following:

- A. Type - The business subdivision road entrance signs shall be ground signs.
- B. Number - There shall not be more than two (2) business subdivision road entrance signs for each point of vehicular access to a development.
- C. Area - Business subdivision road entrance signs shall not exceed thirty-two (32) square feet. If the sign does not comply with the wood relief requirements of §1104.11, the sign area shall not exceed twenty-four (24) square feet.
- D. Location - Business subdivision road entrance signs may be located in any required setback, but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Zoning Officer.
- E. Height - Business subdivision road entrance signs shall not project higher than five (5) feet.
- F. Sign Faces - Business subdivision road entrance signs may be double-faced only when one (1) such sign is used at a road entrance.

1108.4 Automatic Teller Machine (ATM) Signs

ATM signs shall be permitted in association with an approved commercial use subject to the following:

- A. Location - Such sign shall be located on the face of the machine and may only identify the individual business name, logo, time, and principal services offered at the ATM.
- B. Area - The area of any such sign shall not exceed ten (10) square feet. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics. The area of any ATM signs not visible beyond the boundaries of the property shall not be deducted from the sum total area permitted for the use. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.
- C. Permit Not Required - A permit shall not be required for automatic teller machine signs.

1108.5 Retail Fuel Sales

- A. Permitted Sign - Retail fuel sales establishments shall, in addition to the other permitted signs, be permitted one (1) sign with up to four (4) fuel prices attached to the business identification sign. The height of the letters/numerals shall not exceed the following and the sign shall be no larger than necessary to encompass the letters/numerals, but in no case shall exceed the width of the business sign. The prices shall be stationary but may be electronically controlled in accord with §1110.3.

| | | | |
|--------------------------|-----------|-----------|-----------|
| # of Products Advertised | 1or 2 | 3 | 4 |
| Maximum Letter Height | 24 inches | 15 inches | 12 inches |

- B. Height – The sign shall not exceed eighteen (18) feet in height.

1108.6 Changeable Panel Signs

One (1) changeable panel sign per lot may be incorporated into a permitted freestanding sign, monument sign or wall sign to identify special, unique, limited activities, services, products, or sale of limited duration occurring on the premises on which the changeable panel sign is located. The changeable panel sign shall be counted in the sign area of the sign in which it is incorporated.

1108.7 Shingle Signs

In addition to the other signs permitted by this ordinance each establishment with a separate entrance to the outside shall be permitted a shingle sign in accord with this §1108.7.

- A. A shingle sign shall not exceed six square feet.
- B. Shingle signs shall be limited to two sign faces installed perpendicular to the building facade.
- C. No portion of a shingle sign shall be less than eight feet above any pedestrian walkway or the grade below the sign.
- D. No portion of a shingle sign shall project above the top of an eave or parapet.
- E. Shingle signs suspended from the underside of a building overhang shall be centered under the overhang and shall not project beyond the overhang.
- F. A shingle sign shall maintain a ten-foot separation from another shingle sign.
- G. Shingle signs shall be located at the business entrance.
- H. Single signs shall not be more than six inches or less than one inch thick.

1109 Off-Premises Advertising Signs and Billboards

Off-premises advertising signs and billboards are permitted in Commercial and Industrial Zoning Districts in The Township subject to the following:

1109.1 Spacing

The minimum distance required between any advertising signs shall be five hundred (500) feet.

1109.2 Right-of-Way

Advertising signs shall not encroach on any road the right-of-way.

1109.3 Residential Setback

All advertising signs shall be located a minimum distance of one hundred (100) feet from any residential building.

1109.4 Size

The maximum area of any advertising sign shall be forty (40) square feet.

1109.5 Height

No portion of the advertising sign shall be less than five (5) feet from the ground nor more than twelve (12) feet from the ground.

1109.6 Intersection Setback

All off-site advertising signs shall be located no closer than one hundred (100') feet from any public road intersection.

1110 Electronic Message Signs

In addition to all other applicable regulations, the following regulations shall apply to all electronic message signs. In the case of conflict, the more restrictive standard shall apply.

1110.1 Location, Number Size and Height

- A. Location - Electronic message signs shall be located only on parcels within the C-Commercial District.
- B. Number - Each development parcel shall be limited to one (one) electronic message sign which is used in lieu of another permitted sign. In the case of a shopping center, mall or multiple occupant business comprised of several parcels, one (1) electronic message sign shall be permitted for the entire development.
- C. Height - The electronic message sign shall not exceed the permitted height of the sign it replaces.

1110.2 Nonconforming Sign Replacement

Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article.

1110.3 Message Display

- A. Hold Time - Any portion of the message shall have a minimum duration (hold time) of ten (10) seconds and shall be a static display. Messages shall completely change to the next message within one (1) second.
- B. Motion - The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other sign. The image shall be static, with no animation, streaming video, flashing, scrolling, fading, or other illusions of motion. Time and temperature signs are exempt from this requirement.
- C. Malfunction - All signs shall be equipped with a properly functioning default mechanism that will stop the sign in one position and lock the luminance level to the nighttime setting should a malfunction occur.
- D. Projection - Images or messages projected onto buildings or other objects shall be prohibited.
- E. Luminance

Luminance. A measure of the brightness of a surface which is emitting or reflecting light. The unit of measurement is candelas per square meter or nits (1 nit = 1 cd/m²).

Nit. A unit of measure of Luminance.

1. No sign may display light of such intensity or brilliance to cause glare, hazard or impair the vision of the motorist, or interfere with the effectiveness of an official traffic sign, device or signal.
2. Signs shall have a maximum luminance of five thousand (5,000) nits during daylight hours. During the nighttime signs and billboards shall be limited to a maximum luminance of one hundred fifty (150) nits.

3. All signs shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's luminance according to natural ambient light conditions. The sign shall also be equipped with an automatic malfunction shut off switch.
4. Signs shall comply with light trespass regulations set forth in §701.8.
5. Surface luminance measurements shall be made directly with a calibrated luminance meter, following the instrument manufacturer's directions. Readings shall be taken from the area from which the sign will be visible, usually the road, and which is closest to being directly in front of the sign where the luminosity output is most focused. This reading shall be the measurement of an all-white image display to evaluate the worst-case scenario. With an all-white display, a maximum of two hundred (200) nits shall be permitted during nighttime.
6. Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the sign luminance has been factory pre-set to not exceed five thousand (5,000) nits and that the intensity has been protected from end-user manipulation by password-protected software.

1111 Nonconforming Signs

1111.1 Legal, Nonconforming Signs

Any sign lawfully existing or under construction on the effective date of this Article, which does not conform to one (1) or more of the provisions of this Article, may be continued in operation and maintained as a legal nonconforming use.

1111.2 Maintenance and Repair

- A. Area - The total area of any nonconforming sign shall not be increased.
- B. Removal and Reconstruction - The removal and reconstruction of a nonconforming sign shall only be permitted in accord with the requirements of §908 applicable to other nonconforming structures.
- C. Damage or Destruction - A nonconforming sign which is damaged or destroyed may be rebuilt in a nonconforming fashion only in accord with §908 applicable to other nonconforming structures.
- D. Improvements and Maintenance - Nonconforming signs may be repainted, repaired or modernized, provided such improvements do not increase the dimensions, height or position of the existing nonconforming sign or change the sign, message or business being advertised.
- E. Conversion to Electronic Message Sign
 1. Any nonconforming sign which is converted to an electronic message sign shall be made conforming to the requirements of this Article.
 2. A sign which is nonconforming as to zoning district location shall not be converted to an electronic message sign.

1112 Removal of Certain Signs

1112.1 Abandoned Signs

- A. Removal - Any sign, whether existing on or erected after the effective date of this Ordinance, which advertises a business no longer being conducted or a product no longer being offered for sale in or from the premises on which the sign is located, shall be presumed to be abandoned and shall be removed within eighteen (18) months from the cessation of such business or sale of such product by the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.
- B. Enforcement - Enforcement of a violation of §1112.1 shall be in accord with §1216.

1112.2 Nuisance Signs

- A. Violation - The maintenance of any sign which is unsafe or insecure, or is a public nuisance, shall be considered a violation of this Article.
- B. Enforcement - Enforcement of a violation identified in §1112.2A shall be in accord with §1216.
- C. Immediate Peril - Notwithstanding, the foregoing provisions, the Zoning Officer is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever the Zoning Officer determines that such sign is an immediate peril to persons or property.

1112.3 Property Owner Permission Required

No person shall post or locate any information, personal, temporary, political, special event, or construction sign upon public or private property, tree, utility pole, traffic control device or sign, road sign, street sign, or upon any other existing sign, without the permission of the owner of the same. Any such sign not removed within the time allotted in the permit issued by the Zoning Officer or within ten (10) days following the event it addressed is deemed to be abandoned by the owner thereof and may be removed and disposed of by the Township and the owner of such sign shall be liable for cost incurred by the Township in taking such remedial action.

1112.3 Illegal Signs

If the Zoning Officer shall find that any sign is displayed in violation of this Ordinance, he shall proceed with an enforcement action in accord with §1216.

Replaces current Articles 10, 11, 12 and 13.

**ARTICLE XII
ADMINISTRATION**

1200 Applicability

1200.1 Conformance

Any activity regulated by this Ordinance shall only occur or be undertaken and be continued in conformance with the requirements of this Ordinance.

1200.2 Authorization

This Ordinance regulates all matters and activities authorized by Article VI of the Pennsylvania municipalities Planning code, as amended.

1200.3 Regulated Activities

Any of the following activities or any other activity or matter regulated by this Zoning Ordinance shall only be undertaken after the required permit or approval has been obtained in full compliance with this Ordinance:

- A. Erection, construction, movement, placement, extension or demolition of a structure, building or regulated sign;
- B. Change in the type of use or expansion of the use of a structure or area of land; and/or,
- C. Creation of a lot or alteration of lot lines.

1200.4 Repairs and Maintenance

(Note: A Uniform Construction Code permit may be required in cases where a zoning permit is not required.)

Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit provided such activity does not involve 1) a change in use; 2) an expansion, construction or placement of a structure; 3) an increase in the number of dwelling units or boarding house units; and/or any other activity regulated by this Ordinance.

1201 General Procedure for Permits

1201.1 Principal Permitted Use

Within 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 §1205.2B.

1201.4 Timing

After a zoning permit has been received by the applicant, the applicant may undertake the action permitted by the permit under this Ordinance provided the work complies with other Township Ordinances. However, it is recommended that applicants wait 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 30-day appeal period shall be at the risk of the applicant.

1202 Permits and Certificates

1202.1 Applicability See §1200.

1202.2 Types of Uses

- A. Principal Permitted Uses (Permitted by Right Uses) - If a use is listed as a principal permitted use by this Ordinance and meets the requirements of this Ordinance, the Zoning Officer shall issue a permit in response to a complete application.
- B. Special Exception Use or Application Requiring a Variance - A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only upon the written order of the Zoning Hearing Board after a hearing.
- C. Conditional Use - A permit under this Ordinance for a Conditional Use shall be issued by the Zoning Officer only upon the written order of the Board of Supervisors, after the Planning Commission has been given an opportunity to review the application.

1202.3 Applications

- A. Applications - Any request for a decision, interpretation or variance by the Zoning Hearing Board, application for a conditional use, or for a permit under this Ordinance shall be made in writing on a form provided by the Township and in accord with the procedures established by the Township. Such completed application, with any required fees, and with any required site plans or other required information, shall be submitted to the Township employee responsible for processing such application. The applicant is responsible to ensure that a responsible Township official notes the date of the official receipt on the application.
- B. Number of Copies - Unless waived by the Zoning Officer, five copies of a site plan shall be submitted if an application requires action by the Zoning Hearing Board or Board of Supervisors, and two copies shall be submitted if action by the Zoning Hearing Board or Board of Supervisors is not required.
- C. Information Required - Any application to the Zoning Officer, Zoning Hearing Board, Planning Commission or Board of Supervisors shall include the following information.

In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this §1202.3 shall be provided by the applicant. However, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.

In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by this section.

However, a plot plan, as required by §1202.3C6 which follows, shall not generally be required unless the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

In any case, the Zoning Officer, Planning Commission, Board of Supervisors, or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this Ordinance or to identify any impacts of the proposed use.

1. Names and address of the applicant, or appellant; and the name and address of the owner of the affected property
2. A description of the existing and proposed use(s) of the property, including numbers of dwelling units, minimum square feet of proposed dwelling units and number of proposed business establishments, if any.
3. A description of any proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards.
4. If a principal non-residential use is proposed within close proximity to dwellings, a description of hours of operation and proposed methods of storing garbage outdoors on-site.
5. A listing of any specific sections of this Ordinances being appealed, with the reasons for any appeal and
6. A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - a. Name of the development.
 - b. Name and address of land owner and/or land developer. (if corporation give name of officers.)
 - c. Location map.
 - d. North arrow, true or magnetic.
 - e. Graphic scale.
 - f. Written scale.
 - g. Date plot plan was completed.
 - h. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
 - i. Proposed and existing street and lot layout including street names and right-of-way widths.
 - j. Existing and proposed man-made and/or natural features:
 - (1) Water courses, lakes and wetlands (with names).
 - (2) Rock outcrops, ledges and stone fields.
 - (3) Buildings, structures, signs and setbacks required by the Zoning Ordinance.
 - (4) Approximate location of tree masses.
 - (5) Utility lines, wells and sewage system(s).
 - (6) Entrances, exits, access roads and parking areas including the number of spaces.
 - (7) Drainage and storm water management facilities.
 - (8) Plans for any required buffer plantings
 - (9) Any and all other significant features.
7. Location of permanent and seasonal high water table areas and 100-year flood zones.

8. Tract boundaries accurately labeled. The Zoning Officer, in his discretion, may require a survey prepared by a Pennsylvania Registered Land Surveyor for any application.
 9. The total acreage of the tract and extent of the areas of the site to be disturbed and percentage lot coverage when the project is completed.
 10. Location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.
 11. A statement of the type of water supply and sewage disposal proposed.
 12. The present zoning district and major applicable lot requirements.
- D. Other Laws - The Zoning Officer may withhold issuance of a permit under this Ordinance if there is clear knowledge by the Zoning officer that such a use would violate another Township, State or Federal law or regulation.
- E. Ownership - No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application. (See definition of "landowner" in Article III.)
- F. Advisory Reviews - The Zoning Officer may submit a copy of any plan and application to any appropriate agencies and/or individuals (such as the Planning Commission, the County Planning Commission, the County Conservation District or Township Engineer) for review and comment.
- G. Subdivision Approval - Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to §1202.7 of this Ordinance.

1202.4 Issuance of Permit

- A. At least two copies of any permit required under this Ordinance shall be made.
- B. One copy of any such permit shall be retained in Township files and one 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 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.
- B. Changes to an approval by the Zoning Hearing Board as a special exception use or by the Board of Supervisors as a conditional use shall require re-approval of the changes by such bodies if the Zoning Officer determines that such changes affect matters that were within the scope of approval of such body. Such approval by the Hearing Board or the Board of Supervisors is not required for clearly minor technical adjustments or matters that are solely corrections of information that do not affect any of the significant features of the site plan or the intensity of the use, as determined by the Zoning Officer.
- C. A copy of such adjustment or correction shall be provided in writing to the Planning Commission, the Board of Supervisors or the Zoning Hearing Board if the change concerns a plan approved by such bodies.

1202.7 Certificate of Use

- A. A Certificate of Use shall be required by the Township upon a change of use or completion of work authorized by a permit or approval under this Ordinance. It shall be unlawful to use and/or occupy a structure, building and/or land or portions thereof until such Certificate has been issued. A new Certificate of Use shall be required if a change in use of the property is proposed, and then such Certificate shall be issued only after all required approvals are obtained.
- B. An application for such Certificate shall be made on an official Township form. If such use is in conformance with Township ordinances and approvals, such Certificate should be issued in duplicate within 10 days of a properly submitted and duly filed application. A minimum of one copy shall be retained in Township records.
- C. The Zoning Officer shall inspect such structure or land related to an application for such Certificate. If the Zoning Officer determines, to the best of his/her current knowledge, that such work conforms with this Ordinance and applicable Township codes, approvals and permits, then the Certificate of Use shall be issued.
- D. The applicant shall show a valid Certificate of Use to the Zoning Officer upon request.

1202.9 Minimum Residential Lot Requirements

Any lot or parcel of land proposed for residential use, either permanent, seasonal, part time or recreational by means of a permanent or movable housing structure or recreational vehicle shall be improved to certain minimum requirements prior to issuance of a residential occupancy permit. The minimum required improvements shall include:

- A. A safe potable water supply and delivery system.
- B. A sewage disposal System which meets all state and township requirements.
- C. Required off-street parking spaces.
- D. Power supply facilities approved by the local utility company.

1202.8 Expiration of Permits and Approvals

- A. Zoning Permits - When authorized by the issuance of a zoning permit, any permitted building construction shall be initiated within one year of the permit issuance date and be completed within two years of the permit issuance date. The zoning permit shall automatically expire for failure to comply with the required initiation and completion periods.
- B. Conditional Use Approval or Special Exception Approval - See §1208.5.

1203 Fees**1203.1 Application Fees**

As authorized by §617.2(e) and §908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

1203.2 Stenographer Fees

The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township if the transcript is ordered by the Township or shall be paid by the person appealing the decision of the Township if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

1204 Zoning Officer**1204.1 Appointment**

The Zoning Officer(s) shall be appointed by the Board of Supervisors. The Zoning Officer(s) shall not hold any elective office within the Township, but may hold other appointed offices not in conflict with the State Planning Code.

1204.2 Duties and Powers

The Zoning Officer shall:

- A. Administer the Zoning Ordinance.
- B. Provide information to applicants regarding required procedures.
- C. Receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within this Ordinance.
- D. Receive written complaints of violation of this Ordinance, and issue a written notice of violation to any person violating any provision of this Ordinance.
- E. Keep records of applications, permits, certificates, written decisions and interpretations issued, of variances and special exception granted by the Zoning Hearing Board, of conditional uses approved by the Board of Supervisors, of complaints received, of inspections made, of reports rendered, and of notice or orders issued.
- F. Make all required inspections and perform all other duties as called for in this Ordinance.
- G. Not have the power to permit any activity which does not conform to this Ordinance, or all other Ordinances of the Township known to the Zoning Officer.

1204.3 Qualifications

Pursuant to §614 of the PA Municipalities Planning Code, the following minimum qualifications shall apply to any Zoning Officer(s) appointed to serve the Township after the adoption of this Ordinance, unless such mandatory qualifications are waived by motion of the Board of Supervisors.

- A. The person shall demonstrate a working knowledge of zoning.
- B. The person shall have one of the following combinations of education and experience:
 - 1. An high school diploma or equivalent and a minimum of four 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 additional years of continuing education, such as an Associate Degree (such continuing education preferably should be in a filed such as law enforcement, community planning and/or public administration) and a minimum of two 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 eight 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 seminar and/or workshop pertaining to municipal planning and/or zoning within each calendar year.
- C. Vacancies. The Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- D. Removal of Members. See §905 of the PA Municipalities Planning Code.
- E. Organization.
1. Officers - The Board shall elect officers from its own membership. Officers shall serve annual terms and may succeed themselves.
 2. Quorum - For the conduct of any hearing and taking of any action a quorum shall be not less than a majority of all members of the Board, except that the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board, as provided by the PA. Municipalities Planning Code. The quorum may be met by alternate members, serving as permitted by the PA Municipalities Planning Code.
 3. Rules - The Board may make, alter, and rescind rules and forms for its procedure, consistent with all applicable Township ordinances and State law.

1205.2 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to §609.1 (Curative Amendments) and §916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- C. Applications for variances from the terms of the Zoning Ordinance pursuant to §910.2 of the Pennsylvania Municipalities Planning Code.
- D. Applications for special exceptions under the Zoning Ordinance pursuant to §912.1 of the Pennsylvania Municipalities Planning Code and the requirements of this Ordinance.
- E. Appeals from the Zoning Officer's determination under §916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- F. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.
- G. The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

1206 Zoning Hearing Board -- Hearings and Decisions

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with §908 of the Pennsylvania Municipalities Planning Code, as amended, and the provisions of this §1206. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final. (For the purposes of this §1206 *Board* shall mean *Board or Hearing Officer*, if a hearing officer is appointed.)

1206.1 Notice of Hearings

Notice of all hearings of the Board shall be given as follows:

- A. Advertisement - Public notice shall be published, as defined by §107 of the PA. Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature and property address of the matter to be considered.
- B. Posting - Notice of such hearing shall be conspicuously posted on the affected tract of land at least one 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 - All notice under this §1206.1 should be intended to be received or posted at least five days prior to the hearing date.
 - 1. Written notice shall be mailed or personally delivered to the Applicant or his/her representative listed on an official application form.
 - 2. Notice may be delivered or mailed to the Chairperson of the Planning Commission or Township Secretary, and the last known address of owners of record of property abutting or directly across the street from the boundaries of the subject property. The applicant shall provide the Township with a list of such property-owners. Failure of the Township to notify all such persons shall not invalidate any action by the Board.

3. Also, such notice shall be mailed or delivered to the address of any other person or group (including civic or community organizations) who has made a written timely request (including an address) for such notice.
- D. Adjacent Municipalities - In any matter which relates to a lot which lies within 250 feet of the boundary of another municipality, and where the Zoning Officer determines the proposed activity may have significant impact on that municipality, the Township staff may transmit to the offices of the adjacent municipality a copy of the official notice of the public hearing on such matter prior to the hearing date. Representatives of such adjacent municipality shall have the right to appear and be heard at the public hearing. Failure of the Township to notify such municipality shall not invalidate any action by the Board.
- E. Fees - The Board of Supervisors may, by resolution, establish a reasonable fee schedule, based on cost, to be paid by: a) the Applicant for any notice required by this Ordinance and b) those persons requesting any notice not required by the Ordinance.

1206.2 Parties in Hearings

The Zoning Hearing Board shall have the authority, if it chooses to exercise it, to determine who has standing on each case before the Board. (Note-Standing generally means a party being sufficiently affected or threatened by affects by a controversy to obtain judicial resolution of that controversy.)

- A. The parties to a hearing shall be the Board of Supervisors, the Planning Commission, any person affected by the application who has made timely appearance of record before the Board, representatives of any legitimate civic or community organization, and any other person permitted to appear before the Board.
- B. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- C. The Board shall determine that a person or business does not have standing if the Board finds that such person or business is apparently motivated primarily by an attempt to inhibit competition in an area of business, and that such person or business would not otherwise be threatened with substantive harm from the application.

1206.3 Oaths and Subpoenas

The Chairperson of the Board or Hearing Officer shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents reasonably needed by and requested by the parties.

1206.4 Representation by Counsel

The parties shall have the right to be represented by legal counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on relevant issues.

1206.5 Evidence and Record

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded. The Board or the Hearing Officer, as applicable, shall keep a record of the proceedings as required by State law.

1206.6 Communications Outside of Hearings

- A. The Board shall not meet with, visit the site with or directly communicate specifically on the matter with the applicant or any officially protesting party or their representatives in connection with any issue involved, except if opportunity is provided for the applicant and any officially protesting party to participate.

- B. The Board shall not take notice of any communications, reports, staff memoranda, or other materials directly affecting a proposed application unless the parties are afforded an opportunity to examine and contest the material so noticed or unless such materials are already a matter of public record. This restriction shall not apply to advice from the Board's solicitor.

1206.7 Advisory Review

The Zoning Hearing Board may request that the Planning Commission, County Conservation District or Township Engineer provide an advisory review on any matter before the Board.

1206.8 Hearings and Decision

The Zoning Hearing Board shall conduct hearings and make decisions in accord with §908 of the Pennsylvania Municipalities Planning Code, as amended.

1206.9 Solicitor Conflict

- A. The Zoning Hearing Board Solicitor shall not represent private clients in cases before the Zoning Hearing Board.
- B. If a conflict of interest exists for the Zoning Hearing Board Solicitor on a particular application, the Zoning Hearing Board Solicitor shall notify the Chairperson of the Board at least seven days before the scheduled hearing date.
- C. The Board of Supervisors may appoint an Alternate Solicitor to the Zoning Hearing Board to serve as needed for a specific application or for a term of office.

1207 Variances

The Board shall hear requests for variances filed with the Board in writing by any landowner (or any tenant with the permission of such landowner).

1207.1 Standards

The Board may grant a variance only within the limitations of the Municipalities Planning Code. **The applicant shall have the burden of proof to show compliance with such standards.** As of 1993, the Municipalities Planning Code provided that **all** of the following findings must be made, where relevant in a particular case:

- A. There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located; and,
- B. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property; and,
- C. Such unnecessary hardship has not been created by the appellant; and,
- D. The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare; and,

- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

1207.2 Reserved

1207.3 Variance Conditions

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1208 Conditional Uses and Special Exceptions

1208.1 Applications

Applications for conditional uses and special exceptions shall, at a minimum, include the information required in §1208.6. The Township Planning Commission, Board of Supervisors, or the Zoning Hearing Board shall require any other information deemed necessary for the review of the proposal.

1208.2 Conditional Uses

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in §1208.4 and any other applicable standards in this Ordinance.

- A. Expansions - Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

1. Submission - The applicant shall submit the application as follows:
 - a. Five 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 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 Review
 - a. The Planning Commission shall be provided with an opportunity to review any proposed conditional use at a regular meeting prior to a decision by the Board of Supervisors. The Commission, at its option, may provide a written advisory review.

- b. If such review is not received within the time limit within which the Board must issue a decision, or within 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. Agency/Organization Review - The Zoning Officer, Planning Commission and/or the Board of Supervisors may refer the application to any other agency or organization deemed appropriate for review and comment.
6. Board of Supervisors Action - The Board of Supervisors shall conduct hearings and make decisions in accordance with §908 and §913.2 of the Pennsylvania Municipalities Planning Code, as amended. In granting a conditional use, the Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1208.3 Special Exceptions

Uses specified as special exceptions shall be permitted only after review and approval by the Township Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this Ordinance and in §1208.4.

- A. Expansions - Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a conditional use.

B. Procedure

1. All applicants for a special exception use shall submit five 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 copy shall be retained in the Township files.
 - b. The Zoning Officer shall, prior to the next Zoning Hearing Board meeting where the application will be discussed, review the Plan to determine compliance with this Ordinance and report these findings to the Zoning Hearing Board.
4. Planning Commission Review of Special Exception Uses
 - a. The Planning Commission shall 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 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. Agency/Organization Review - The Zoning Hearing Board may refer the application to any other agency or organization deemed appropriate for review and comment.
6. 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 in §1206.
 - b. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of the PA Municipalities Planning Code and this Ordinance, and to protect the public health, safety and welfare.

1208.4 Standards and Criteria

The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of the Township. In addition to the applicable general provisions of this Ordinance and to the standards provided in this Ordinance for specific conditional uses and special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions.

- A. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Township Comprehensive Plan, this Ordinance and all other ordinances of the Township.
- B. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- D. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- E. In reviewing an application, the following additional factors shall be considered:
 1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of storm water and drainage facilities storm water leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a 10 year storm.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties effected, all conditions and safeguards deemed necessary by the Board to protect the general health, safety and welfare and implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code shall be imposed as conditions of approval in accord with §912.1 or §913.2 of the Pennsylvania Municipalities Planning Code, as the case may be.

Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1208.5 Limitation of Approval

Any conditional use approval granted by the Township Supervisors and any special exception approval granted by the Zoning Hearing Board shall expire one year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Board of Supervisors or Zoning Hearing Board as the case may be, however, may grant an extension of the time limitations, for good cause.

1208.6 Information Required

The applicant shall supply the information required by §1202.3 of this Ordinance and evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants.

Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

1209 Reserved

1210 Mediation

Parties to proceedings authorized by this Ordinance and the Pennsylvania Municipalities Planning Code may use the Mediation Option as authorized by and in accord with §908.1 of said Code.

1211 Time Limits for Appeals

The time limitations for appeals shall be as follows:

1211.1 Zoning Hearing Board -- County Court

No person shall be allowed to file any appeal with the Zoning Hearing Board later than 30 days after the officially issued decision by the Zoning Officer, or appeal with the County Court of Common Pleas later than 30 days after the officially issued decision of the Board of Supervisors or the Zoning Hearing Board, except as may be provided under §914.1 of the PA Municipalities Planning Code.

1211.2 Temporary Permits

This 30 day time limit for appeal shall not apply to the revocation of a permit under §1202.5.

1211.3 Subdivision or Land Development Approval

The failure of an aggrieved person other than the landowner to appeal an adverse decision directly related to a preliminary subdivision or land development plan shall preclude an appeal from a final plan approval except in the case where the final submission substantially deviates from the approved preliminary plan.

1212 Appeals to Court and Other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

1213 Public Utility Exemptions

See §619 of the PA Municipalities Planning Code.

1214 Limited Township Exemption

The minimum lot area requirements of this Ordinance shall not apply to uses or structures owned by the Township for uses and structures that are intended for a legitimate governmental, recycling, public recreation, storm water control or public health and safety purpose.

1215 Amendments

The Board of Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

1216 Violations

1216.1 Compliance

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance.

1216.2 Complaints

Whenever a violation of this Ordinance occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.

1216.3 Enforcement Notice

When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by §616.1 of the Pennsylvania Municipalities Planning Code and set forth in this §1216.3, such violation shall be discontinued or corrected as set forth in said notice.

- A. If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this §1216.3
- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the municipality intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- D. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- F. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in subsequent appeal, rules in the appealing party's favor.

1217 Penalties and Remedies**1217.1 Causes of Action**

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

1217.2 Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 (state law) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.
- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this §1217 shall be construed or interpreted to grant to any person or entity other than the Township, the right to commence any action for enforcement pursuant to this section.

1218 Liability

Neither the approval nor the granting of any review, issuance of permit or approval related to construction, activity within the flood plain, site plan review, subdivision or land development approval erosion control, storm water runoff, activity on steep slopes or any other review or permit of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, consultants or agencies, of the practicality or safety of any structure, use or subdivision, and shall create no liability upon, nor a cause of action against such public body, official, consultant nor employee for any damage that may result pursuant thereto.

| |
|----------------------------|
| Same as current Article 6. |
|----------------------------|

ARTICLE XIII
SUPPLEMENTARY FLOODPLAIN REGULATIONS

1300 General Provisions**1300.1 Intent**

The intent of these provisions is to:

- A. promote the general health, welfare and safety of the community;
- B. encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future;
- C. minimize danger to public health by protecting water supply and natural drainage; and
- D. reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.

1300.2 Applicability

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development within the floodplain district of Main Township unless a zoning permit has been obtained from the Zoning Officer.

1300.3 Interpretation of District Boundaries

Where interpretation is needed concerning the exact location of any boundary of the floodplain district, the Zoning Hearing Board shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

1300.4 Abrogation and Greater Restrictions

These ordinance provisions supersede any other conflicting provisions which may be in effect in any identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

1300.5 Warning and Disclaimer of Liability

- A. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or damages.
- B. This Ordinance shall not create liability on the part of Main Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or from any administrative decisions lawfully made thereunder.

1301 Basis for Floodplain Districts**1301.1 Identification**

- A. The identified floodplain area shall be any area of Main Township, subject to the 100-year flood, which is identified as Zone A on the Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA), dated October 15, 1985, or the most recent revision thereof.
- B. The Floodplain District shall be an overlay to the existing underlying district as shown on the official Zoning Ordinance Map. As such, the provisions of the Floodplain District shall serve as a supplement to the underlying district provisions. Where there happens to be any conflict between the provisions or requirements for the Floodplain District and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain shall apply.

1301.2 Determination of the 100-Year Flood Elevation

- A. For the purposes of this Ordinance, the 100-year flood elevation shall be used as the basis for regulation. When available, information from other Federal, State, and other acceptable sources shall be used to determine the 100-year flood elevation, as well as a floodway area, if possible. When no other information is available, the 100-year flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question.
- B. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

1302 Flood Damage Control Provisions

1302.1 General Technical Requirements

- A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that it complies with the restrictions and requirements of this and all other applicable codes and ordinances in effect in Main Township.
- B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the 100-year flood elevation.
- C. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection, Bureau of Dams and Waterways Management.

1302.2 Elevation and Floodproofing Requirements

- A. Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) of any new or substantially improved residential structure shall be 1.5 feet or more above the 100-year flood elevation.
- B. Within any identified floodplain area, the elevation of the lowest floor (including basement or cellar) in any new or substantially improved nonresidential structure shall be 1.5 feet or more above the 100-year flood, and shall be floodproofed up to that height.

Any non-residential structure, or part thereof, having a lowest floor (including basement or cellar) which is not elevated to at least 1.5 feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. Enclosed areas below the lowest floor (including basement or cellar) are prohibited.

1302.3 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill - If fill is used, it shall:

1. extend laterally 15 feet beyond the building line from all points;
2. consist of soil or small rock materials only. Sanitary landfills shall not be permitted;
3. shall be compacted to provide the necessary resistance to erosion, scouring, or settling;
4. be no steeper than one vertical on two horizontal, unless substantiating data, justifying steeper slopes, are submitted to and approved by the Zoning Officer;
5. be appropriately seeded upon completion of compaction to avoid erosion and scouring of the fill material; and
6. be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage Facilities - Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

D. Other Utilities - All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

-
- E. Streets - The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.
- F. Storage - All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life (including, but limited to those listed in §1306) shall be stored at or above the Regulatory Flood Elevation and/or be floodproofed to the maximum extent possible.
- G. Placement of Building and Structures - All buildings and structures - shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- H. Anchoring
1. All buildings and structures, including mobile homes, shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 2. All air ducts, large pipes, storage tanks, and other similar objects or components located at or below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- I. Floor, Walls, and Ceilings
1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.
 2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" grade or "water-resistant" variety.
 3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant materials.
- J. Paints and Adhesives
1. Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
 2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- K. Electrical Components
1. Electrical distribution panels shall be at least three feet above the 100-year flood elevation.
 2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
-

- L. Equipment - Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- M. Fuel Supply Systems - All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

1302.4 Special Requirements for Mobile Homes

For the purposes of this Ordinance, the term mobile home shall also include park trailers, travel trailers, recreational vehicles and other similar types of manufactured homes which are placed on a site for more than 180 consecutive days.

- A. Within any identified floodplain area, all mobile homes and any additions thereto shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- B. Where permitted within any floodplain area, all homes and additions thereto, shall be:
 - 1. placed on a permanent foundation;
 - 2. elevated so that the lowest floor of the mobile home is 1.5 feet or more above the elevation of the 100-year flood; and
 - 3. anchored to resist flotation, collapse, or lateral movement.

1303 Water Management Uses

Uses normally associated with water management projects (such as dams, impoundment basins, culverts, sewers, or bridges) may be permitted in the floodplain districts irrespective of the underlying zoning district but shall be subject to approval by the Board of Supervisors following review by the Township Planning Commission and approval by the Department of Environmental Protection. In addition, no alteration or relocation of a stream or watercourse may take place without obtaining the required permit from the Department of Environmental Protection. Prior to such alteration or relocation, adjacent communities, the Pennsylvania Department of Community and economic development and the Federal Emergency Management Agency must be notified. Under no circumstances shall any alteration or relocation take place which will lower the flood carrying capacity of any stream or watercourse.

1304 Existing Structures In Floodplain Areas

1304.1 Existing Structures

The provisions of this Article do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of §1304.2 shall apply.

1304.2 Improvements

The following provisions shall apply whenever improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100-year flood.

- B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain area, to an extent or amount of, less than 50 percent of its market value, shall be flood-proofed and/or elevated to the greatest extent possible.
- C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure in any floodplain area, to an extent or amount of 50 percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

1305 Special Provisions for Accessory Structures

1305.1 Floodproofing Exemption

Accessory structures which are proposed to be built in any identified floodplain area need not be floodproofed as called for in §1302.2 provided that the following provisions are met.

- A. The structures are designed and constructed so as to be able to withstand the hydrostatic and hydrodynamic load of the 100-year flood.
- B. In particular, §1302.3C, §1302.3F, §1302.3G, §1302.3H, §1302.3I, §1302.3J, §1302.3K, §1302.3L and §1302.3M.
- C. Accessory structures shall not be used for human habitation.

1305.2 Flood Insurance Cost

Individuals should be aware that building a structure as described above could significantly increase the cost of flood insurance for the accessory structure and its contents.

1305.3 Administration

The administrative procedures contained in §1308 and other appropriate sections of this Ordinance shall apply.

1306 Development Which May Endanger Human Life

1306.1 Hazardous Materials and Substances

In accordance with the Pennsylvania Floodplain Management Act (Act 1978-166), and regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

- will be used for the production or storage of any of the following dangerous materials or substances; or,
- will be used-for any activity requiring the maintenance or a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
- will involve the production, storage, or use of any amount of radioactive substances;

shall be subject to the provisions of this §1306 in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

- A. Acetone
B. Ammonia
C. Benzene

- D. Calcium carbide
- E. Carbon disulfide
- F. Celluloid
- G. Chlorine
- H. Hydrochloric Acid
- I. Hydrocyanic Acid
- J. Magnesium
- K. Nitric Acid and Oxides of Nitrogen
- L. Petroleum products (gasoline, fuel oil, etc.)
- M. Phosphorus
- N. Potassium
- O. Sodium
- P. Sulphur and sulphur products
- Q. Pesticides (including insecticides, fungicides, and rodenticides)
- R. Radioactive substances, insofar as such substances are not otherwise regulated.

1306.2 Floodproofing Requirements

- A. Within any identified floodplain area, any new or substantially improved structure of the kind described in §1306.1 shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- B. Where permitted within an identified floodplain area, any new or substantially improved structure of the kind described in §1306.1 shall be:
 - 1. elevated or designed and constructed to remain completely dry up to at least 1.5 feet above the 100-year flood; and
 - 2. designed to prevent pollution from the structure or activity during the course of a 100-year flood. Any such structure, or part thereof, that will be built below the 100-year flood elevation shall be designed and constructed in accordance with the standard for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

1307 Prohibited Activities in Floodplain Areas

The following obstructions and activities are prohibited if located partially or entirely within any identified floodplain area of Main Township.

1307.1 Institutions

The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- 1. hospitals
- 2. nursing homes
- 3. jails or prisons

1307.2 Mobile Home Parks/Subdivisions

The commencement of, or any construction of, a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision.

1308 Administration**1308.1 Zoning Permit Requirements**

To insure that the aforementioned flood damage controls are being employed in all new construction, development and substantial improvements within any designated floodplain district, including the use of fill, the applicant or developer shall obtain a zoning permit prior to commencement of any such activity. The applicant shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

- A. all such proposals are consistent with the need. to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- B. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
- C. adequate drainage is provided so as to reduce exposure to flood hazards.

1308.2 Plan Requirements

Applicants shall file the following minimum information plus any other pertinent information as may be required by the Zoning Officer to make the above-described determinations:

- A. A completed zoning permit application form.
- B. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - 1. north arrow, scale and date;
 - 2. topography contour lines, if available;
 - 3. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - 4. the location of all existing and proposed buildings, structures, utilities, and other improvements including the location of any existing or proposed subdivision and land development;
 - 5. the location of all existing streets, drives, other accessways; and
 - 6. the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
- C. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - 1. the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - 2. the elevation Of the 100-year flood;

3. if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated -with a 100-year flood; and
4. detailed information concerning any proposed floodproofing measures.

D. The following data and documentation:

1. a document, certified by a professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the 100-year flood elevations, pressures, velocities, impact and uplift forces associated with the 100-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development.
 - a. the amount, location and purpose of any dangerous materials or substances which are intended to be used, produced, stored or otherwise maintained on the site; and
 - b. a description of the safeguards incorporated into the design Of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in §1306 during a 100-year flood.
2. detailed information needed to determine compliance with §1302.3F - Storage, and §1306 - Development Which May Endanger Human Life, including:
3. the appropriate component of the Department of Environmental Protection "Planning Module for Land Development".
4. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

1308.3 Review by the County Conservation District

A copy of all plans for proposed development in any identified floodplain area to be considered shall be submitted by the Zoning Officer to the County Conservation District for review and comment prior to the issuance of a Building/Zoning Permit. The recommendations of the County Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan. If no comments are received within 14 days the Zoning Officer may take action on the permit.

1308.4 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agency and/or individual (e.g. planning commission, municipal engineer, etc.) for review and comment.

1308.5 Issuance of Zoning Permits

Prior to the issuance of any zoning permit, the Zoning Officer shall review the application to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the PA Sewage Facts Act (Act 1966-537, as amended); the PA Dam Safety and Encroachments Act (Act 1978-325, as amended); the PA Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No Building/Zoning Permit shall be issued until this determination has been made.

1309 **Variances in Floodplain Areas****1309.1** Factors for Consideration; Notice; Record

In passing upon applications for a variance within any identified floodplain area, the Zoning Hearing Board shall consider all factors specified in other sections of this Ordinance, state law relative to variances, and the following:

- A. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of Historic Places.
- B. No variances shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the 100-year flood elevation.
- C. Variances shall only be given where the applicant shows that granting a variance will not result in prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense, nor cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 1. the granting of a variance may result in increased premiums for flood insurance, and
 2. such variances may increase the risks to life and property.
- E. Except for a possible modification of the freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to §1306 - Development Which May Endanger Human Life.
- F. No variance shall be granted for any of the provisions of §1307 - Prohibited Activities in Floodplain Areas.
- G. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 1. that there is good and sufficient cause;
 2. that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. that granting of the variance will:
 - a. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, and
 - b. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances or regulations.
- H. If granted, a variance shall involve only the least modification necessary to provide relief.
- I. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

1309.2 100-Year Flood Resistance

Notwithstanding any of the above, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

1310 Special Exceptions in Floodplain Areas

In passing upon applications for Special Exceptions in any identified floodplain area, the Zoning Hearing Board shall consider all relevant factors specified in other sections of this Ordinance, and:

- A. the danger to life and property due to increased flood heights or velocities caused by encroachments. In the floodway area, no Special Exception shall be granted which will cause any rise in the elevation of the 100-year flood;
- B. the danger that materials may be swept onto other lands or downstream causing injury to others;
- C. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;
- D. the susceptibility, of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- E. the importance of the services provided by the proposed facility to the community;
- F. the requirements of the facility for a waterfront location;
- G. the availability of alternative locations not subject to flooding for the proposed use;
- H. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- I. the safety of access to the property in times of flooding by ordinary and emergency vehicles;
- J. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- K. such other factors which are relevant to the purposes of this Ordinance.

**ARTICLE XIV
ADOPTION**

This Ordinance ordained and enacted this ____ Day of _____ 2016, by the Board of Supervisors of Main Township, Columbia County, Pennsylvania, to be effective immediately.

Chairman

Vice-Chairman

Supervisor

ATTEST:

Township Secretary

APPENDIX

| PARKING DEMAND (2014-12) | | | | | |
|--|--|---------|--------|------|-----------------------|
| Source: <u>Parking Generation, 4th Edition, ITE</u> | | | | | |
| NOTES: | | | | | |
| Average & 85th Percentile - where ITE provides data for a weekday, a Saturday, etc., the highest value is shown. | | | | | |
| 85th Percentile - not provided in certain cases with a very limited number of studies; highest value of studies shown. | | | | | |
| Peak - provided in certain cases with a very limited number of studies; highest value of cited studies is shown. | | | | | |
| | | Average | 85th % | Peak | Per |
| 000 | Port and Terminal | | | | |
| 021 | Commercial Airport | 0.84 | 1.48 | | daily enplanement |
| 093 | Light Rail Transit Station with Parking | 136.00 | 212.0 | | 1,000 daily boardings |
| | | | | | |
| | 100 Industrial | Average | 85th % | Peak | Per |
| 110 | General Light Industrial | 0.75 | 1.13 | | 1,000 sq. ft. GFA |
| 110 | General Light Industrial | 0.64 | 0.81 | | employee |
| 130 | Industrial Park | 0.62 | 1.85 | | 1,000 sq. ft. GFA |
| 130 | Industrial Park | 0.89 | 0.98 | | employee |
| 140 | Manufacturing | 1.02 | 1.18 | | 1,000 sq. ft. GFA |
| 140 | Manufacturing | 0.97 | 1.14 | | employee |
| 150 | Warehousing | 0.51 | 0.81 | | 1,000 sq. ft. GFA |
| 150 | Warehousing | 0.78 | 1.01 | | employee |
| 151 | Mini-Warehouse | 0.14 | 0.17 | | 1,000 sq. ft. GFA |
| | | | | | |
| 200 | Residential - See Zoning Ordinance §504.6.B | | | | |
| | | | | | |
| | 300 Lodging | Average | 85th % | Peak | Per |
| 310 | Hotel | 1.20 | 1.54 | | room |
| 311 | All Suites Hotel | | | 1.30 | room |
| 312 | Business Hotel | 0.60 | 0.75 | | room |
| 320 | Motel | 0.71 | 0.85 | | room |
| 330 | Resort Hotel | 1.29 | 1.59 | | room |
| | | | | | |
| | 400 Recreational | Average | 85th % | Peak | Per |
| 411 | City Park | | | 5.10 | acre |
| 414 | Water Slide Park | 72.90 | | | acre |
| 420 | Marina | 0.59 | | | berth |
| 430 | Golf Course | 8.68 | 9.83 | | hole |
| 435 | Multipurpose Recreational Facility | 1.78 | | | hole |
| 435 | Multipurpose Recreational Facility | 10.67 | | | 1,000 sq. ft. GFA |
| 435 | Multipurpose Recreational Facility | 16.00 | | | acre |
| 437 | Bowling Alley | 5.02 | 5.58 | | lane |
| 438 | Billiard Hall | 6.56 | | | 1,000 sq. ft. GFA |
| 438 | Billiard Hall | 2.89 | | | billiard table |
| 440 | Adult Cabaret | 5.90 | | | 1,000 sq. ft. GFA |
| 441 | Live Theater | 0.38 | 0.39 | | attendee |
| 441 | Live Theater | 0.25 | 0.32 | | seat |
| 444 | Movie Theater with Matinee | 0.26 | 0.36 | | seat |
| 445 | Multiplex Movie Theater | 0.15 | 0.20 | | seat |
| 445 | Multiplex Movie Theater | 36.20 | 45.00 | | screen |

| 400 | Recreational | Average | 85th % | Peak | Per |
|------------|------------------------------------|----------------|---------------|-------------|--------------------|
| 464 | Roller Skating Rink | 5.80 | | | 1,000 sq. ft. GFA |
| 465 | Ice Skating Rink | 3.90 | | | 1,000 sq. ft. GFA |
| 466 | Snow Ski Area | 1.31 | 1.62 | | acre of ski trails |
| 466 | Snow Ski Area | 0.25 | 0.31 | | daily lift ticket |
| 473 | Casino/Video Lottery Establishment | | | 35.34 | 1,000 sq. ft. GFA |
| 473 | Casino/Video Lottery Establishment | | | 1.42 | gaming position |
| 481 | Zoo | | | 12.10 | acre |
| 488 | Soccer Complex | 56.3 | 69.30 | | field |
| 490 | Tennis Courts | | | 3.16 | tennis court |
| 491 | Racquet/Tennis Club | 3.56 | 4.13 | | court |
| 492 | Health/Fitness Club | 5.27 | 8.46 | | 1,000 sq. ft. GFA |
| 492 | Health/Fitness Club | 0.13 | 0.16 | | member |
| 493 | Athletic Club | 3.55 | 4.94 | | 1,000 sq. ft. GFA |
| 493 | Athletic Club | 0.07 | 0.21 | | member |
| 495 | Recreational Community Center | 3.20 | 5.03 | | 1,000 sq. ft. GFA |
| | | | | | |
| 500 | Institutional | Average | 85th % | Peak | Per |
| 520 | Elementary School | 0.17 | 0.21 | | student |
| 522 | Middle School/Junior High School | 0.09 | 0.10 | | student |
| 525 | School for the Blind | | | 1.08 | student |
| 525 | School for the Blind | | | 1.47 | employee |
| 525 | School for the Blind | | | 2.67 | 1,000 sq. ft. GFA |
| 530 | High School | 0.23 | 0.25 | | student |
| 536 | Private School (K-12) | 0.39 | | | student |
| 540 | Junior/Community College | 0.18 | 0.20 | | school population |
| 550 | University/College | 0.33 | 0.38 | | school population |
| 560 | Church | 8.37 | 14.38 | | 1,000 sq. ft. GFA |
| 560 | Church | 0.20 | 0.25 | | seats |
| 560 | Church | 0.45 | 0.60 | | attendee |
| 561 | Synagogue | | | 0.41 | attendee |
| 562 | Mosque | 17.32 | 25.79 | | 1,000 sq. ft. GFA |
| 565 | Day Care Center | 3.16 | 3.70 | | 1,000 sq. ft. GFA |
| 565 | Day Care Center | 0.24 | 0.33 | | student |
| 565 | Day Care Center | 1.38 | 1.78 | | employee |
| 580 | Museum | 1.32 | 1.79 | | 1,000 sq. ft. GFA |
| 590 | Library | 2.61 | 4.19 | | 1,000 sq. ft. GFA |
| 595 | Convention Center | | | 0.44 | attendee |
| | | | | | |
| 600 | Medical | Average | 85th % | Peak | Per |
| 610 | Hospital | 2.50 | 3.41 | | 1,000 sq. ft. GFA |
| 610 | Hospital | 4.49 | 7.35 | | bed |
| 610 | Hospital | 0.81 | 1.08 | | employee |
| 612 | Surgery Center | | | 5.67 | operating room |
| 620 | Nursing Home | 0.98 | 1.50 | | 1,000 sq. ft. GFA |
| 620 | Nursing Home | 0.35 | 0.48 | | bed |
| 620 | Nursing Home | 0.88 | 1.51 | | employee |
| 630 | Clinic | 4.94 | 4.96 | | 1,000 sq. ft. GFA |
| 640 | Animal Hospital/Veterinay Clinic | | | 1.60 | 1,000 sq. ft. GFA |
| 640 | Animal Hospital/Veterinay Clinic | | | 1.40 | employee |

| 700 | Office | Average | 85th % | Peak | Per |
|------------|---|----------------|---------------|-------------|-------------------|
| 701 | Office Building | 2.84 | 3.45 | | 1,000 sq. ft. GFA |
| 701 | Office Building | 0.83 | 0.98 | | employee |
| 720 | Medical-Dental Office Building | 3.20 | 4.27 | | 1,000 sq. ft. GFA |
| 730 | Government Office Building | 4.15 | 6.13 | | 1,000 sq. ft. GFA |
| 730 | Government Office Building | 0.83 | 1.01 | | employee |
| 732 | United States Post Office | | | 33.20 | 1,000 sq. ft. GFA |
| 732 | United States Post Office | | | 2.01 | employee |
| 735 | Judicial Complex | | | 4.10 | 1,000 sq. ft. GFA |
| 735 | Judicial Complex | | | 0.80 | employee |
| | | | | | |
| 800 | Retail | Average | 85th % | Peak | Per |
| 812 | Building Materials and Lumber Store | | | 1.69 | 1,000 sq. ft. GFA |
| 813 | Free-Standing Discount Superstore | 4.49 | 5.54 | | 1,000 sq. ft. GFA |
| 816 | Hardware/Paint Store | | | 2.87 | 1,000 sq. ft. GFA |
| 820 | Shopping Center | 4.67 | 5.91 | | 1,000 sq. ft. GFA |
| 843 | Automobile Parts Sales | 2.25 | 2.74 | | 1,000 sq. ft. GFA |
| 845 | Motocycle Dealership | | | 2.97 | 1,000 sq. ft. GFA |
| 848 | Tire Store | | | 4.17 | 1,000 sq. ft. GFA |
| 850 | Supermarket | 3.78 | 5.05 | | 1,000 sq. ft. GFA |
| 851 | Convenience Market (Open 24 Hours) | 3.11 | 3.79 | | 1,000 sq. ft. GFA |
| 853 | Convenience Market With Gasoline Pumps | 8.38 | 10.50 | | 1,000 sq. ft. GFA |
| 854 | Discount Supermarket | | | 5.80 | 1,000 sq. ft. GFA |
| 857 | Discount Club | 2.90 | 3.93 | | 1,000 sq. ft. GFA |
| 859 | Liquor Store | | | 2.98 | 1,000 sq. ft. GFA |
| 861 | Sporting Goods Superstore | 1.78 | 2.40 | | 1,000 sq. ft. GFA |
| 862 | Home Improvement Superstore | 3.19 | 4.34 | | 1,000 sq. ft. GFA |
| 863 | Electronics Superstore | | | 3.03 | 1,000 sq. ft. GFA |
| 864 | Toy/Children's Superstore | 1.94 | | | 1,000 sq. ft. GFA |
| 866 | Pet Supply Superstore | | | 1.17 | 1,000 sq. ft. GFA |
| 867 | Office Superstore | | | 0.61 | 1,000 sq. ft. GFA |
| 868 | Book Superstore | | | 0.89 | 1,000 sq. ft. GFA |
| 876 | Apparel Store | | | 17.02 | 1,000 sq. ft. GFA |
| 880 | Pharmacy/Drugstore without Drive-Through Window | 2.94 | 3.74 | | 1,000 sq. ft. GFA |
| 880 | Pharmacy/Drugstore without Drive-Through Window | 3.73 | 5.10 | | employee |
| 881 | Pharmacy/Drugstore with Drive-Through Window | 2.18 | 2.94 | | 1,000 sq. ft. GFA |
| 881 | Pharmacy/Drugstore with Drive-Through Window | 1.63 | 2.20 | | employee |
| 890 | Furniture Store | 1.04 | 1.34 | | 1,000 sq. ft. GFA |
| 890 | Furniture Store | 1.73 | 2.16 | | employee |
| 892 | Carpet Store | 1.79 | 3.00 | | 1,000 sq. ft. GFA |
| 892 | Carpet Store | 2.27 | 3.20 | | employee |
| 896 | Video Rental Store | 2.41 | 2.76 | | 1,000 sq. ft. GFA |

| 900 | Services | Average | 85th % | Peak | Per |
|-----|---|---------|--------|------|-------------------|
| 912 | Drive-in Bank | 4.00 | 5.67 | | 1,000 sq. ft. GFA |
| 920 | Copy, Print and Express Ship Store | | | 3.00 | 1,000 sq. ft. GFA |
| 931 | Quality Resturant | 16.40 | 22.70 | | 1,000 sq. ft. GFA |
| 931 | Quality Resturant | 0.47 | 0.67 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (No Bar or Lounge) | 13.50 | 20.60 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (With Bar or Lounge) | 16.30 | 20.40 | | 1,000 sq. ft. GFA |
| 932 | High-Turnover (Sit-Down) Resturant (No Bar or Lounge) | 0.35 | 0.54 | | seat |
| 932 | High-Turnover (Sit-Down) Resturant (With Bar or Lounge) | 0.48 | 0.73 | | seat |
| 933 | Fast-Food Resturant without Drive-Through Window | 12.40 | 14.50 | | 1,000 sq. ft. GFA |
| 933 | Fast-Food Resturant without Drive-Through Window | 0.52 | 0.77 | | seat |
| 934 | Fast-Food Resturant with Drive-Through Window | 9.98 | 15.13 | | 1,000 sq. ft. GFA |
| 934 | Fast-Food Resturant with Drive-Through Window | 0.35 | 0.64 | | seat |
| 936 | Coffee/Donut Shop without Drive-Through Window | 13.56 | 17.33 | | 1,000 sq. ft. GFA |
| 937 | Coffee/Donut Shop with Drive-Through Window | 10.40 | 18.97 | | 1,000 sq. ft. GFA |
| 939 | Bread/Donut/Bagel Shop without Drive-Through Window | | | 9.78 | 1,000 sq. ft. GFA |
| 940 | Bread/Donut/Bagel Shop with Drive-Through Window | | | 4.50 | 1,000 sq. ft. GFA |
| 945 | Gasoline/Service Station with Convenience Market | 0.75 | 1.03 | | fueling position |
| 960 | Dry Cleaners | 1.40 | 2.44 | | 1,000 sq. ft. GFA |