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With short-term rentals, medical marijuana and food trucks revised – March 2,
2023. Agricultural Industry and definitions revised April 3, 2023, Cemeteries,
driveways and lot frontage revised June 19, 2023.

West Penn Township Zoning Ordinance

Schuylkill County, Pennsylvania

As Adopted by the West Penn Township Board of
Supervisors on _____, 202__.



Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

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USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Review the **Zoning Map** at the end of this Zoning Ordinance or online to determine the Zoning District that includes your lot.
- Review Articles 3, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each Zoning District. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 1216), or
 - c) as a conditional use (the Board of Supervisors must approve the use, as described in Section 1217).
- Consult Article 5, including the Table of Lot and Setback Requirements By Zoning District. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each Zoning District.
- Refer to the **Definitions** in Article 13 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the Zoning District according to Articles 3 or 4, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 805 regarding "Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 602 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 603. For example, additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 603.D.13.

If your lot may be flood-prone, see the **Floodplain regulations** in Article 9 and the Federal Floodplain Maps (which can be viewed at the Township Building or at www.fema.gov).

Turn to the following articles and sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Article 11 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Article 8.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Article 14, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township's **Subdivision and Land Development Ordinance (SALDO)** will also apply.
- For Stormwater Management, see the Subdivision and Land Development Ordinance.
- If there will be disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the **Zoning Officer**. The Zoning Officer also administers applications for zoning permits. A separate Construction Official handles applications for building and other construction permits.

The Township Sewage Enforcement Officer will need to approve any new or expanded septic system. Soil tests are required for a new drain field or sand mound. See the minimum setbacks for a septic system in PA Department of Environmental Protection regulations.

TITLE ONE
ARTICLE 1
WEST PENN TOWNSHIP ZONING ORDINANCE
TITLE; ENACTMENT; SEVERABILITY

Ordinance No. ____

101. **Title.** A New Zoning Ordinance: a) dividing the West Penn Township, Schuylkill County, Pennsylvania into zoning districts with varying regulations; b) permitting, prohibiting and regulating: the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, expansion, razing, removal and use of structures, the areas and dimensions of land and water to be occupied by uses and structures, as well as open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code (MPC) as amended, including provisions for special exception uses and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
102. **Short Title.** This Ordinance shall be known and be cited as the "West Penn Township Zoning Ordinance" of 202__.
103. **Severability.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the West Penn Township Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for West Penn Township.
104. **Procedural Defects in Enactment.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law.
105. **Repealer.** The pre-existing West Penn Township Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other subsections of Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
106. **Enactment.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of West Penn Township hereby enacts and ordains into an Ordinance the attached document this date of _____, 202__. This Ordinance shall become effective on _____, 202__.

Chairperson, Board of Supervisors

Attest, Township Secretary

ARTICLE 2

ESTABLISHMENT OF ZONING DISTRICTS

201. **Establishment and Purposes of Districts.** Each parcel of land and every structure in the Township, except as otherwise provided by law or by this Ordinance, shall be subject to the regulations specified for the Zoning District in which it is located. The Township is divided into the following Zoning Districts, with the following abbreviations and that serve the following purposes, in addition to the overall purposes of this Ordinance:
- A. **CN Conservation District** – To protect important natural features, while allowing only very low intensity development. To also recognize the importance of the Appalachian Trail and the Kittitunny Ridge corridor.
 - B. **AC Agricultural Conservation District** – To protect important natural features and promote the continuation of agricultural activities. To also encourage the clustering of any homes through the Open Space Development Option.
 - C. **AG Agricultural District** – To promote the continuation of agricultural activities. To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached dwellings.
 - D. **RR Rural Residential District** – To provide for and to protect the integrity of low density residential neighborhoods that are primarily comprised of single family detached dwellings.
 - E. **SR Suburban Residential District** – To provide for medium density neighborhoods with a mix of housing types, in a manner that encourages traditional forms of development.
 - F. **VC Village Center District** – To provide for a neighborhood with a mix of housing types, and selected types of less intensive types of commercial uses, in a manner that respects and continues traditional forms of development. The intent is to avoid uses that are most likely to generate nuisances or hazards for nearby residents, such as 24 hour operations.
 - G. **HC Highway Commercial District** – To provide for a wide variety of commercial uses, including more intensive commercial uses, in areas that include fewer existing homes. To manage traffic to avoid congestion and safety hazards, particularly in regards to access to major streets.
 - H. **LI/B Light Industrial / Business District** – To provide for a variety of commercial and industrial development.
 - I. **CI Commercial Industrial District** – To provide suitable areas for a wide variety of industrial uses and commercial uses.
 - J. **EI Extractive Industrial District** – To provide for mineral extraction, many types of industrial uses and selected other business uses.
202. **Zoning Map.** The West Penn Township Zoning Map shall consist of one or more map(s) accurately showing the boundaries of various Zoning Districts. The zoning map information may be maintained and updated using digital and/or paper versions. At least one paper copy of the official map shall be maintained and available in the office of the Zoning Officer. The zoning map and all notes and

measurements shown thereon are hereby incorporated by reference into this Zoning Ordinance and shall be as much a part of this Zoning Ordinance as if all were fully described in this text.

203. **District Boundaries.** Where uncertainty exists with respect to the boundaries between Districts as shown on the Zoning Map, the following rules shall apply.
- A. Where District boundaries are indicated as approximately coinciding with streets, alleys, waterways, or railroad rights-of-way, the center line of such features shall be construed to be such boundaries, unless otherwise indicated on the Map. The Zoning District boundaries shall extend to the Township border, even if a border is not accurately portrayed on the Zoning Map.
 - B. Where District boundaries are indicated as approximately coinciding with lot lines that existed at the time of the adoption of the Zoning Map, they shall be construed as following such lot lines.
 - C. Where District boundaries do not coincide with a physical feature or lot line, and are not fixed by dimensions on the Zoning Map or notes, the boundary shall be determined using a scale.
204. **Floodprone Areas.** For the regulations pertaining to flood-prone areas, see the Township Floodplain Ordinance. Where the same matter is regulated by both this Ordinance and the Floodplain Ordinance, the provision that is most restrictive upon development shall apply.
205. **Uses Not Specifically Regulated.** If a use clearly is not permitted by right or as a Special Exception Use or a Conditional Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
- A. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are allowed in the District,
 - B. the proposed use would be closely similar in impacts and character to uses allowed in that District,
 - C. the use would meet the standards that would apply under Section 1216.C. to a Special Exception Use, and
 - D. the use is not specifically prohibited in that District.

ARTICLE 3

ALLOWED USES IN EACH DISTRICT.

301. **Allowed Uses in Each Zoning District.**

A. For the purposes of Article 3, the following abbreviations shall have the following meanings:

P	=	Permitted by right use (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by the Zoning Hearing Board)
C	=	Conditional use (zoning decision by the Board of Supervisors)
N	=	Not Permitted
(See 602)	=	See Additional Requirements in Section 602
(See 603)	=	See Additional Requirements in Section 603

B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 205), any land or structure shall only be used or occupied for a use specifically listed in this Article 3 as being allowed in the Zoning District where the land or structure is located. Such uses shall only be allowed if the use complies with all other requirements of this Ordinance.

For manufacturing uses, the types of uses listed in this Article correspond approximately to the categories of the North American Classification System, administered by the U.S. Department of Commerce. In case of questions about the categorization, such system shall be consulted.

(See definitions in Article 13)	TYPES OF USES	ZONING DISTRICTS							
		CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
A. <u>RESIDENTIAL USES</u>									
Age-Qualified Residential Development, which may include any housing types allowed in the district. This type of development is allowed in any district, but the incentives are only allowed in the SR and VC districts. See Section 401.		N	N	P	P	N	N	N	N
Boarding House (includes Rooming House) (See 602.A.14) (other than uses listed separately in this table)		N	N	N	N	SE	N	N	N
Conversion of an Existing Dwelling into Additional Dwelling Units (See 602.A.21)		SE	SE (Note 3)	SE (Note 3)	SE (Note 1)	SE (Note 1)	N	N	N
Dormitory for 5 or more full-time students		N	N	N	N	SE	N	N	N
Group Home within a lawful existing dwelling unit (See 602.A.32), not including a Treatment Center		P	P	P	P	P	P	N	N
Live Work Unit (See 602.A.37)		N	N	N	P	P	P	N	N
Manufactured (Mobile) Home Park (See 602.A.40)		N	N	SE	N	N	N	N	N
Multi-Family (Apartment) Dwellings, other than conversion of an existing one family dwelling into 2 or more dwellings, and which must be served by central sewage service, and with a one acre minimum lot size (See 602.A.)		N	N	P	P	P	N	N	N
Multi-Family/ Apartment Dwellings (See 602.A.63), which may be in the same building or on the same lot as allowed non-residential uses		N	N	P	P	P	N	N	N
Open Space Development Option in compliance with Section 508		P	P	P	P	N	N	N	N
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements of Section 602.A.39)		P	P	P	P	P	P	P	N
Single-Family Semi-Detached Dwelling (Side-by-Side Twin)		N	N	P	P	P	N	N	N
Townhouses (Single-Family Attached Dwellings or Rowhouses) (See 602.A.63)		N	N	P	P	P	N	N	N
Two-Family Dwelling (Typically One Unit Above Another Unit)		N	P in AG&AC (Note 4). N in RR	P	P	N	N	N	N

Note 1 = Limited to a building that, at the time of adoption of this Ordinance, included more than 3,000 square feet of heated habitable indoor floor area, not including a vehicle garage. Floor area shall only be counted if it meets the minimum ceiling height for a floor under the Construction Code.

Note 2 = See limits on hours of operation in Section 405.

Note 3 = The required lot size for a single family detached dwelling shall be doubled for this use.

Note 4 = A second dwelling unit shall only be allowed if it is occupied by “relatives” of the residents of the primary dwelling.

Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
B. COMMERCIAL USES								
Adult Use (See 602.A.A.1)	N	N	N	N	N	N	N	SE
After Hours Club - To the extent this use is not already prohibited by State Act 219 of 1990 (See 602.A.3)	N	N	N	N	N	N	N	SE (Note 5)
Agri-tourism Business (See 602.A.4, which allows certain uses by right). See also "Farm-Based Business" under Accessory Uses	SE	SE	SE	SE	P	P	P	P
Airport (See also "Heliport") (See 602.A.5)	N	N	N	N	N	N	N	SE
Amusement Arcade	N	N	N	N	P	P	N	N
Amusement Park or Water Park	N	N	N	N	P	SE	P	P
Animal Cemetery (See 602.A.6)	N	N	N	N	P	N	P	P
Animal Day Care (See 602.A.7)	SE	SE in AG & AC N in RR	N	N	P	P	P	P
Arena, Auditorium (Commercial), Performing Arts Center or Exhibition Trade Show Center	N	N	N	N	P	P	P	P
Auto Repair Garage, which may include towing and related vehicle storage or an Auto Body Shop (See 602.A.11)	N	N	N	N	P	N	P	P
Auto, Boat or Mobile/Manufactured Home Sales, or Auctions, which may include an accessory Vehicle Storage Yard (See 602.A.10)	N	N	N	N	P	N	P	P
Auto Service Station, which may occur with a retail store, and which may also include fueling of vehicles using liquefied natural gas, propane or similar fuels (See 602.A.12). For a use that primarily serves tractor-trailer trucks, see "Truck Stop" in this table.	N	N	N	N	P	N	P	N
Bakery, Retail	N	N	N	N	P	P	P	N
Bed and Breakfast Inn (See 602.A.11)	SE	SE	SE	SE	P	P	P	P
Beverage Distributor (wholesale and/or retail)	N	N	N	N	P	P	P	N
Building Supply Retail or Contractor Sales	N	N	N	P	P	P	P	P
Bus Maintenance or Storage Yard	N	N	N	N	P	N	P	P
BYOB Club (Note-Definition is limited to a use that is open after midnight)(See 602.A.15)	N	N	N	N	SE	N	N	SE
Camps, Campgrounds or Recreational Vehicle Campgrounds (See 602.A.16)	SE	SE	SE	SE	SE	SE	P	P
Car Wash (See 602.A.17)	N	N	N	N	P	N	P	N
Catering, Custom, for Off-Site Consumption	N	N	N	N	P	P	P	P

Note 2 = See limits on hours of operation in Section 405. ____

Note 5 = A 300 foot setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
B. <u>COMMERCIAL USES</u> (Cont.)								
Communications Antennae, Commercial (See 602.A.), limited to accessory antenna attached to specified types of structures by Section 602.A.19.a.	N	N	N	N	P	P	P	P
Communications Tower, Commercial (See 602.A.19), or other antennae that are not allowed under the above accessory provision	N	N	N	N	SE	SE	SE	SE
Conference Center or Exposition Center	N	N	N	N	P	P	P	N
Construction Company or Tradesperson’s Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the screening requirements of Section 1303.	N	N	N	N	P	P (Note 1)	P	P
Convenience Store, which may be combined with an Auto Service Station only if the requirements for an Auto Service Station are met and if an Auto Service Station is allowed in the district.	N	N	N	N	P	P	N	N
Conversion of an Existing Principal Institutional Building (such as a Place of Worship) or Principal Industrial Building into Multi-Family Dwellings or Live Work Units (See 602.A.22)	N	SE	N	SE	N	N	N	N
Crafts or Artisan’s Studio	N	N	N	N	P	P	P	P
Crop Storage, Commercial, other than as accessory use (See 602.A.20)	SE	SE	N	N	P	P	P	P
Custom Printing, Copying, Faxing, Mailing or Courier Service and similar services to businesses	N	N	N	N	P	P	P	N
Dog Day Care - See Animal Day Care								
Exercise Club	N	N	N	N	P	P	P	N
Financial Institution; includes banks, and which may include drive-through facilities” (See 603.D.)	N	N	SE	P	P	P	P	P
Flea Market / Auction House	N	N	N	N	P	P	P	P
Food Truck or Trailer – shall only be allowed as an accessory use. See provisions in this table under “Accessory Uses” and in Section 603.D.								
Funeral Home (See crematorium listed separately under Institutional Uses)	N	N	N	SE	P	P	P	N

Note 1 = Outdoor storage is limited to a maximum of 25 percent of the lot area.

Note 2 = See limits on hours of operation in Section 405.

P = Permitted By Right use (zoning decision by Zoning Officer) N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
B. COMMERCIAL USES (Cont.)								
Gaming Facility, Licensed (See 602.A.29), other than small games of chance allowed under State law and the State Lottery	N	N	N	N	SE	N	N	N
Gas Station - See "Auto Service Station" in this table								
Golf Course (See 602.A.30), with a 20 acre minimum lot area	P	P	P	P	P	P	P	P
Heliport (See 602.A.33)	SE	SE in AG&AC N in RR	N	N	SE	SE	SE	SE
Hotel or Motel (See 602.A.34)	N	N	N	N	P	P	P	N
Kennel (See 602.A.36)	SE	SE in AG & AC N in RR	N	N	SE	N	SE	SE
Laundromat	N	N	N	P	P	P	P	P
Laundry, Commercial or Industrial	N	N	N	N	P	N	P	P
Lumber Yard	N	N	N	N	P	P	P	P
Medical Marijuana Dispensary (See 602.A.41)	N	N	N	N	SE	N	SE	N
Micro-brewery or Micro-distillery (which may be in combination with a restaurant or tavern)	N	N	N	N	P	P	P	N
Motor Vehicle Racetrack, Outdoor (Note 5) (See 602.A.46)	N	N	N	N	N	N	N	SE
Nightclub	N	N	N	N	SE	N	SE	N
Office (May include medical clinics or labs)(See also Home Occupation)	N	N	N	P	P	P	P	P
Pawn Shop	N	N	N	N	P	N	N	N
Personal Services (includes tailoring, check cashing, custom dress-making, haircutting/styling, dog grooming, travel agency, dry-cleaning, shoe repair, "massage therapy, certified" and closely similar uses)	N	N	N	P	P	P	P	N
Picnic Grove, Commercial (See 602.A.49)	SE	SE in AG & AC N in RR	N	SE	P	P	P	P
Plant Nursery or Tree Farm, with a retail sales of items not primarily grown on the premises only allowed if a Retail Store is also allowed	P	P	P	P	P	P	P	P
Propane Retail Distributor, other than pre-packaged sales, with a 200 feet minimum setback required between any storage or dispensing facilities and any Residential District, and with Fire Company review	N	N	N	N	SE	N	SE	SE
Recording Studio, Music	N	N	N	N	P	P	P	N
Note 2 = See limits on hours of operation in Section 405.		P = Permitted By Right use (zoning decision by Zoning Officer)						
N = Not Permitted		SE = Allowed By Special Exception (Zoning Hearing Board Approval)						
(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.								

TYPES OF USES (See definitions in Article 13)	CN	ZONING DISTRICTS						
		AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
B. <u>COMMERCIAL USES</u> (Cont.)								
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice, and closely similar practice, and closely similar uses); other than uses listed separately in this Article 4	N	N	N	N	P	P	P	P
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, horseback riding, paintball and closely similar uses); other than uses listed separately in this Article 3. (See 602.B.51)	SE	SE in AG & AC N in RR	N	N	P	P	P	P
Repair Service, Household Appliance	N	N	N	N	P	P	P	P
Restaurant, Banquet Hall or Bakery, mot including a tavern or nightclub (See 602.A.54)								
– with drive-through service (See 603.D.4)	N	N	N	N	P(Note 1)	N	P	N
– without drive-through service (Food Trucks listed separately below).	N	N	N	P	P	P	P	P
Retail Store, not including uses listed individually in this Article 4 (such as gasoline sales) unless the requirements for that use are also met. Any drive-through facilities shall meet Sec. 603.D.4 and shall be limited to the HC district. This use may include rental of items or check cashing.)	N	N	N	P	P	P	P	P
<u>Self-Storage Development</u> (See 602.A.56)	N	N	N	N	P	P	P	P
Septic System Contractors	N	N	N	N	SE	N	SE	SE
Shopping Center	N	N	N	N	P	P	P	N
Target Range, Firearms (602.A.61)								
– completely indoor and enclosed	N	N	N	N	P	P	P	P
– other than above, with a barrier that the applicant proves is sufficient to protect public safety	N	N	N	N	SE (Note 5)	N (Note 5)	SE (Note 5)	SE (Note 5)
(Note - A firearms target range that is occasionally used by residents or owners of a lot and their occasional invited guests is allowed in all districts, provided there is a sufficient barrier to protect public safety.								
Tattoo Parlor or Body Piercing (other than temporary tattoos or ear piercing which are personal service uses)	N	N	N	N	P	P	P	N
Tavern, other than a Nightclub	N	N	N	N	P	SE	P	SE
Television or Radio Broadcasting Studios	N	N	N	N	P	P	P	P
Temporary Commercial Uses - See Section 602.A								

Note 1 = If the use will be open between midnight and 6 AM, the use and its parking areas shall be setback a minimum of 200 feet from any existing or approved dwellings.

Note 2 = See limits on hours of operation in Section 405.

Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
B. COMMERCIAL USES (Cont.)								
Theater, Indoor Movie or Live Theater, other than an Adult Establishment	N	N	N	N	P	P	P	N
Towing Business, which shall meet the vehicle storage regulations in Section 602.A. for an Auto Repair Garage	N	N	N	N	P	N	P	P
Trade / Hobby School	N	N	N	N	P	P	P	P
Truck Stop that primarily serves tractor-trailer trucks, and which shall meet the requirements for an Auto Service Station in Section 602.A.12	N	N	N	N	C(Note 5)	N	N	N
Veterinarian Office (See 602.A.65)	N	N	N	N	P	P	P	P
<u>Wholesale Sales - See under Industrial Uses</u>								
C. INSTITUTIONAL / SEMI-PUBLIC USES								
Cemetery (See 602.A.18). See also Crematorium or Animal Cemetery.	SE	SE	SE	SE	N	N	N	SE
College or University - Educational, Recreational, Office or Support Uses (Residential Uses are addressed separately)	N	N	N	P	P	P	P	P
Community Center primarily serving residents of a development	P	P	P	P	N	N	N	N
Community Recreation Center (limited to a government- sponsored or non-profit facility), Library or Museum	N	N	SE	P	P	P	P	P
Crematorium (See 602.A.23)	N	N	N	N	SE	N	SE	SE
Criminal Halfway House or Day Reporting Center (See 602.A.)	N	N	N	N	C	N	N	C
Cultural Center or Museum	N	N	N	N	P	P	P	P
Day Care Center, Adult (See 602.A.2.)	N	N	SE	P	P	P	P	N
Day Care Center, Child (See 602.A.25)(See also as accessory use)	N	N	SE	P	P	P	P	N
<u>Dormitory - See under Residential Uses in this table</u>								
<u>Emergency Services Station (See 602.A.27)(may include Training Facility)</u>	N	N	N	N	P	P	P	P
Hospital or Surgery Center or Related Testing and Treatment Facilities	N	N	N	N	P	P	P	N
Hunting or Fishing Club (Firearms Target Ranges are regulated separately), with a 5 percent maximum impervious cover	P	P	P	P				
Membership Club meeting and non-commercial recreational facilities, provided that such use shall not be open between 2 & 6 AM, & provided that such use shall only be allowed in combination with another use if the other use is allowed in that District and if the requirements for that use are also met. (See 602.A.43)(See also Hunting or Fishing Club)	N	N	N	SE	P	P	P	P
Note 2 = See limits on hours of operation in Section 405.								
Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.								
P = Permitted By Right use (zoning decision by Zoning Officer)	N = Not Permitted		C = Allowed by Conditional Use					
SE = Allowed By Special Exception (Zoning Hearing Board Approval)	(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.							

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
C. INSTITUTIONAL / SEMI-PUBLIC USES (Cont.)								
Nursing Home, Personal Care Home / Assisted Living Facility or Hospice (See 602.A.47)	N	N	SE	SE	P	P	P	P
Place of Worship (See 602.A.50) (includes Church)	N	P	P	P	P	P	P	P
School, Public or Private, Primary or Secondary (See 602.A.55)	N	P	P	P	P	P	P	N
Temporary and/or Emergency Shelter (See 602.A.62)	N	N	N	N	SE	N	N	N
Treatment Center (See 602.A.64)	N	N	N	N	C	N	N	N
D. PUBLIC / SEMI-PUBLIC								
Government Facility, other than uses listed separately in Articles 3 & 4.	SE	SE	SE	SE	P	P	P	P
Prison or Similar Correctional Institution	N	N	N	N	N	N	N	C
Publicly Owned or Operated Recreation Park	P	P	P	P	P	P	P	P
Public Utility Facility, other than Township-owned facilities and other than uses listed separately in this Article. See Sections 602.A. and 1414.	SE	SE	SE	SE	SE	SE	SE	SE
Sewage Pump Stations	N	N	N	N	P	P	P	P
Swimming Pool, Non-household (Indoor or outdoor) (See 602.A.60)	P	P	P	P	P	P	P	P
Township Government Uses and Facilities, such as Public Works Facilities	P	P	P	P	P	P	P	P
U. S. Postal Service Facility or Substation	N	N	N	N	P	P	P	P
E. INDUSTRIAL USES								
Agricultural Industry	N	N	N	N	SE	P	P	P
Asphalt Plant	N	N	N	N	N	N	N	C
								(Note 5)
Assembly or Finishing of Products Using Materials produced elsewhere (such as products from plastics manufactured off-site)	N	N	N	N	P	P	P	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	N	P	P	P	P
Coal Breaker	N	N	N	N	N	N	SE	SE

Note 2 = See limits on hours of operation in Section 405.

Note 5 = A 300 foot setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
E. INDUSTRIAL USES (Cont.)								
Distribution - See Warehousing or Distribution Center								
Electric Power Generating Plant (Other than: Putrescent Solid Waste to Energy, Solar Energy or Wind Turbines)	N	N	N	N	C	N	N	C (Note 5)
Gas and Oil Wells (See 603.D.11.)								
Industrial Equipment Sales, Rental and Service, other than involving trucks and trailers primarily intended to be operated on public streets	N	N	N	N	P	P	P	P
Incineration of Hazardous or Toxic Waste, other than may have been previously approved within an existing waste-to-energy plant	N	N	N	N	N	N	N	C (Note 5)
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal facility	N	N	N	N	N	N	N	N
Junk Yard (See 602.A.35) (includes scrap yard)	N	N	N	N	N	N	N	SE(Note5)
Liquid or Gas Fuel Storage, Bulk, for off-site distribution, which shall require a review by the Fire Company; other than: auto service station, propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N (Note 5)	N (Note 5)	C (Note 5)	C (Note 5)
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:								
– Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	N	SE(Note 5)	N
– Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	N	P	P	P	P
– Cement Manufacture	N	N	N	N	N	N	N	SE(Note5)
– Ceramics Products (other than Crafts Studio)	N	N	N	N	N	P	P	P
– Chemicals, Manufacture or Bulk Processing of, other than pharmaceuticals and types listed separately	N	N	N	N	N	N	N	SE (Note 5)
– Clay, Brick, Tile and Refractory Products	N	N	N	N	N	N	P	P
– Computers; Electronic & Microelectronic Products	N	N	N	N	P	P	P	P
– Concrete, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	N	N	P
– Electrical Equipment, Appliances & Components	N	N	N	N	P	P	P	P

Note 2 = See limits on hours of operation in Section 405.

Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
E. INDUSTRIAL USES (Cont.)								
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:								
– Explosives, Fireworks or Ammunition	N	N	N	N	N	N	N	SE (Note 5)
– Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	N	P	P	P	P
– Food and Beverage Products, at an industrial scale as opposed to a clearly retail scale (which may include aquaculture) (which may include aquaculture)	N	N	N	N	P	P	P	P
– Glass & Glass Products (other than Crafts Studio)	N	N	N	N	P	P	P	P
– Jewelry and Silverware	N	N	N	N	P	P	P	P
– Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	N	N	P	P
– Machinery or Gaskets	N	N	N	N	P	P	P	P
– Manufactured or Modular Housing Manufacture or other portable buildings	N	N	N	N	P	N	P	P
– Medical Equipment and Supplies	N	N	N	N	P	P	P	P
– Metal Products, Primary	N	N	N	N	N	N	SE	SE
– Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	N	N	P	P
– Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	N	P	P	P	P
– Paper - Raw Pulp	N	N	N	N	N	N	N	SE
– Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	N	N	SE	SE
– Pharmaceuticals and Medicines	N	N	N	N	P	P	P	P
– Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Paints, or Ink	N	N	N	N	N	N	SE	SE
– Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	P	P	P	P
– Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	N	N	SE	SE

Note 2 = See limits on hours of operation in Section 405.

Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
E. INDUSTRIAL USES (Cont.)								
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:								
– Scientific, Electronic and Other Precision Instruments	N	N	N	N	P	P	P	P
– Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	N	N	P	P	P	P
– Transportation Equipment, including installing mechanical additions to trucks and trailers	N	N	N	N	P	P	P	P
– Wood Products and Furniture (not including raw paper pulp)	N	N	N	N	P	P	P	P
– See Section 602.A. for uses that are not listed								
Medical Marijuana Grower / Processor (See 602.A.42, including additional setbacks)	N	N	N	N	SE	SE	SE	SE
Mineral Extraction (See 602.A.44) and related processing, stockpiling and storage of materials removed from the site, other than as part of preparation of a development site	N	N	N	N	C (Note 5)	N	C (Note 5)	C (Note 5)
Packaging	N	N	N	N	P	P	P	P
Package Delivery Services Distribution Center	N	N	N	N	P	P	P	N
Petroleum Refining or Manufacture or Bulk Storage of Ethanol or similar fuels for off-site use	N	N	N	N	N	N	SE (Note 5)	N
Pipeline Compressor Station (such as for natural gas), which shall be constructed within an enclosed structure with sound absorbing walls	N	N	N	N	N	N	SE (Note 5)	SE (Note 5)
Printing or Bookbinding	N	N	N	N	P	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	N	SE	N	SE	SE
Research and Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use) and related manufacture of prototypes	N	N	N	N	P	P	P	P
Sawmill/ Planing Mill	N	N	N	N	P	P	P	P (Note 5)

Note 2 = See limits on hours of operation in Section 405.

Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE =

Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
E. INDUSTRIAL USES (Cont.)								
Septage or Sludge Composting (See 602.A.57), but which does regulate accessory composting of materials that were mostly generated on-site.	N	N	N	N	N	N	N	SE (Note 5)
Slaughterhouse, Stockyard or Tannery (other than as customary accessory use for animals raised by the operator or custom butchering of game)	N	N	N	N	N	N	N	SE
Solid Waste Landfill (See 602.A.58)	N	N	N	N	N	N	N	C (Note 5)
Solid Waste Transfer Facility or Putrescent Waste to Energy Facility (See 602.A.58)	N	N	N	N	N	N	N	C (Note 5)
Trucking Company Terminal (See 602.A.)	N	N	N	N	P (Note 5)	N	P (Note 5)	P
Warehousing, Storage or Distribution Center as a principal use	N	N	N	N	P (Note 5)	N	P (Note 5)	P
Warehousing or Storage as an on-site accessory use	N	N	N	N	P	P	P	P
Welding	N	N	N	P	P	P	P	P
Wholesale Sales (other than Motor Vehicles)	N	N	N	N	P	P	P	P
F. ACCESSORY USES								
See additional allowed accessory uses in Sections 302 & 303, and the additional requirements in Section 603.D. for specific Accessory Uses.								
Bus Passenger Shelter (See 603.D.2)	N	N	N	N	P	P	P	P
Communications Antennae meeting Section 602.A. pertaining to accessory antenna placed on certain existing structures (See 602.A.)	P	P	P	P	N	N	N	N
Composting of materials that were mostly generated on-site as an accessory use (but not including septage or sewage sludge), and which may include composting of vegetation.	P	P	P	P	P	P	P	P
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship or School	P	P	P	P	P	P	P	P
Note 1 = Limited to a lot of more than 4 acres. Note 2 = See limits on hours of operation in Section 405. Note 5 = A 300 feet setback shall apply from a residential district, unless a stricter requirement is established by another provision of this Ordinance. P = Permitted By Right use (zoning decision by Zoning Officer) N = Not Permitted C = Allowed by Conditional Use SE = Allowed By Special Exception (Zoning Hearing Board Approval) (See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.								

TYPES OF USES (See definitions in Article 13)	ZONING DISTRICTS							
	CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
Day Care (See 603.D.) as accessory to a dwelling of the following number of persons, in addition to children or grandchildren of the on-site caregiver:								
– Day care - max. of 3 persons. This use does not need a zoning permit.	P	P	P	P	P	P	P	P
– Family Day Care Home (4 to 6 children), which shall be limited to a single family detached dwelling	SE	SE	SE	P	P	P	P	N
– Group Day Care Home (7 to 12 children)	P (Note 1)	P (Note 1)	P (Note 1)	P	P	P	P	N
F. <u>ACCESSORY USES</u> (Cont.)								
Farm-Based Business (See 603.D.5)	P	P	P	P	P	P	P	P
Farm-Based Trucking Business (See 603.D.6)	P	P	P	P	P	P	P	P
Food Truck(See 603.D.8). In the CN, AG, AC, RR or SR districts, this use shall be limited to an occasional accessory use to an on-site farm auction, place of worship festival or similar special event, or that visits a construction site	P	P	P	P	P	N	P	N
Furnace, Outdoor (See 603.D.9)	P	P	P	P	P	P	P	P
Garage Sale (See 603.D.10)	P	P	P	P	P	P	P	P
Home Occupation, General (See 603.D.13)	SE	SE	SE	SE	P	P	P	P
Home Occupation, Low Impact (See 603.D.13)	P	P	P	P	P	P	P	P
Outdoor Storage and/or Display as accessory to a business use (See buffer yard provisions) (See Section 603.D.14)	N	N	N	N	P	P	P	P
Outdoor Storage and/or Display as principal use, other than uses listed separately in this table (See buffer yard provisions in 1303)	N	N	N	N	SE	(Note 1) N	SE	SE
Retail Sales as Accessory to a Principal Industrial Use, limited to items produced or distributed on the premises, and limited to a maximum of 5% of the area of the principal use	N	N	N	N	P	P	P	P
Retail Sale of Agricultural Products (See 603.D.17)	P	P	P	P	P	P	P	P
Short-Term Rental of a Dwelling Unit (See 603.D.18)	P	P	P	P	P	P	P	P
Temporary Commercial Uses - See Section 1203.G, as well as “Food Truck” which is listed separately.								
Unit for Care of Relative (See 603.D.21) on the lot of an existing dwelling	P	P	P	P	P	P	P	P
Wind Turbine, accessory, maximum of one on a lot (See 603.D.22)	P	P	P	P	N	N	N	N

Note 1 = A maximum of 25 percent of the lot area shall be used for outdoor storage.

Note 2 = See limits on hours of operation in Section 405.

P = Permitted By Right use (zoning decision by Zoning Officer)

N = Not Permitted

C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

(See definitions in Article 13)	TYPES OF USES	ZONING DISTRICTS							
		CN	AG, AC & RR	SR	VC (Note 2)	HC	LIB	CI	EI
G. MISCELLANEOUS USES									
	Crop Farming, Greenhouses, Aquaculture or Hydroponics	P	P	P	P	P	P	P	P
	Forestry (See Section 602.A.28; Includes Timber Harvesting)	P	P	P	P	P	P	P	P
	Groundwater or Springwater Withdrawal Averaging More than 10,000 gallons per day:								
	- for on-site use (See 602.A.31.A.)	SE	SE	SE	SE	SE	SE	SE	SE
	- for off-site use (See 602.A.31.B.)	N	N	N	N	N	N	N	SE
	Livestock and Poultry, Raising of (See 602.A.38)								
	– Concentrated Animal Operation or Concentrated Animal Feeding Operation	SE	SE	SE	N	SE	SE	SE	SE
	– Other Raising of Livestock and Poultry Use	P	P	P	P	P	P	P	P
	Nature Preserve or Environmental Education Center	P	P	P	P	P	P	P	P
	Parking Lot as an Accessory Use	P	P	P	P	P	P	P	P
	Parking Lot or Structure as a principal use:								
	– parking of trucks that haul putrescent or hazardous waste	N	N	N	N	N	N	N	SE
	– other than above	N	N	N	SE	P	P	P	P
	Recycling Collection Center (See 602.A.52)	N	N	N	P	P	P	P	P
	Solar Energy Collection Systems	P	P	P	P	P	P	P	P
	Stable, Non-Household (See 602.A.59)	P	P	P	P	P	P	P	P
	Wastewater Treatment Plants	N	N	N	N	P	P	P	P
	Water Supply Wells, Storage and Treatment Facilities, other than as part of a Groundwater or Spring Water Extraction Use that is regulated separately	P	P	P	P	P	P	P	P
	Wind Turbines:								
	– Maximum of one on a lot that is an accessory use (See 603.D.)	N	N	N	N	P	P	P	P
	– One or more wind turbines, other than above (See 602.A.66)	N	N	N	N	C	C	C	C
	Winery (See 602.A.67)	P	P	P	P	P	P	P	P
	All Uses that will be unable to comply with the performance standards of this ordinance. See “Environmental Protection” requirements in Art. 10	N	N	N	N	N	N	N	N
	– Other Raising of Livestock and Poultry Use	P	P	P	P	P	P	P	P

Note 2 = See limits on hours of operation in Section 405.

P = Permitted By Right use (zoning decision by Zoning Officer)

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C = Allowed by Conditional Use

SE = Allowed By Special Exception (Zoning Hearing Board Approval)

(See 602.A. or 603.D.) = See Additional Requirements in Sections 602.A. or 603.D.

302. **Permitted Accessory Uses to Business and Institutional Uses.** See also Section 302 for accessory uses allowed in all districts. The following are permitted by right accessory uses only to a permitted by right or special exception commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:
- A. Storage of fuels for on-site use or to fuel company vehicles.
 - B. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - 1. Internal cafeteria without drive-through service,
 - 2. Day care center or
 - 3. Recreational facilities.
 - C. Automatic Transaction Machine.
303. **Permitted Accessory Uses in All Districts.** An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all Districts, within the requirements of Article 6, the setbacks stated in Article 7, and all other requirements of this Ordinance:
- A. Antennae, Standard for television, radio and similar reception (See Section 603)
 - B. Fence or Wall (See Section 603.D.7)
 - C. Garage, Household, provided that one detached carport for personal motor vehicles for a dwelling unit and that does not have structural walls shall not require a zoning permit or be required to meet minimum setbacks.
 - D. Garage Sale (See Section 603.D.10)
 - E. Maintenance Facilities to provide for the maintenance of roads, recreation areas and other facilities that are controlled by a homeowner association.
 - F. Pets, Keeping of (See Section 603.D.15)
 - G. Parking or Loading, Off-Street, only to serve a lawful use on the same lot or a use that is permitted in that District
 - H. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
 - I. Residential accessory structure, such as sheds (See Section 603.D.16)
 - J. Signs, as permitted by Article 7
 - K. Stable, Household - See provisions under Pets in Section 603.D.15
 - L. Swimming Pool, Household (See Section 603.D.18)
 - M. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.
304. **Limits on Hours of Operation in the VC District and for Nonconforming Commercial Uses in Residential Districts.**
- A. A commercial use or membership club in the VC District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM unless it was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance. A commercial use or membership club may be approved to be open after 11 PM as a special exception use if the applicant proves to the satisfaction of the Zoning Hearing Board that such business hours will not negatively impact dwellings in the vicinity.

- B. A nonconforming commercial use or membership club in a Residential District shall not be open to customers or patrons for business purposes between the hours of 11 PM and 6 AM, unless the use was already regularly open to the public during those hours immediately prior to the effective date of this Ordinance.

ARTICLE 4

AGE QUALIFIED HOUSING

401. **Age-Qualified Housing.**

- A. These provisions shall apply if Age-Qualified Housing is used to allow an increased density under this Ordinance under Article 5 of this Ordinance.
- B. Age-Qualified Housing shall involve all housing units within a subdivision or land development being permanently limited by deed and by any lease to occupancy by at least one person age 55 and older, and with no resident under age 18, except that a person under age 18 may temporarily stay within a housing unit for a total of less than 60 days per calendar year. An applicant alternatively may decide to use an age limit of 62 or above, or a similar age limit authorized by Federal law.
- C. The applicant may also decide to permit one or more types of persons classified by the Social Security Administration as disabled to reside in Age-Qualified Housing, regardless of their age, provided it is structured in a way that complies with Federal law.
- D. A primary enforcement mechanism shall be established by the applicant, such as through the owner of a rental development or by a homeowner association. The Township shall be provided with secondary enforcement authority that is intended to be used if such primary mechanism fails to comply with its enforcement responsibilities. If the Township needs to utilize its enforcement authority, the Township's enforcement costs shall be paid by the entity with the primary enforcement responsibility.
- E. If a household met the age qualifications at the time of initial occupancy of a dwelling unit, members of a household are not required to leave if a person aged 55 or older later dies or leaves the household, such as because of divorce, separation or need for nursing care.
- F. The minimum yard and lot width dimensions may each be reduced by 30 percent and the maximum building coverage may be increased by 20 percent.
- G. Open areas may be commonly maintained, with homes in condominium or Planned Community Act ownership.
- H. A minimum of 15 percent of the total lot area shall be set aside as common open space for use of the residents. Areas occupied by a Community Recreation Center and its necessary accessory parking may count as common open space.
- I. The allowed housing types shall be the same as are allowed in Article 3 in the district.

ARTICLE 5
DIMENSIONAL REQUIREMENTS IN EACH DISTRICT;
DEVELOPMENT OPTIONS

501. Dimensional Requirements. The following dimensional requirements shall apply for the specified Zoning District, unless a more restrictive requirement for a specific use is required by Article 6 or another provision of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Article 13.

501.A. Dimensional Requirements for Primarily Residential Districts:

Zoning District: Type of Use	Minimum Lot Area (sq.ft., unless listed as acres)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]	Maximum Structure Height (ft.) (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note G] [Note H]	Maximum Percent Building Coverage [Note E]
1. CN Conservation District: Any allowed use	10 acres, except that a 1.5 acre minimum lot size may be approved under Section 1003 if the development is located on slopes of less than 20 percent	400, except 150 if a 1.5 acre minimum lot size is approved under Section 1003	All uses: 40 feet or 3 stories, whichever is more restrictive	40	35	25	5%, except 20% if a 1.5 acre minimum lot size is approved under Section 1003

Zoning District: Type of Use	Minimum Lot Area (sq.ft., unless listed as acres)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]	Maximum Structure Height (ft.) (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note G] [Note H]	Maximum Percent Building Coverage [Note E]
2. AC Agricultural Conservation District: See also Open Space Development Option in Section 507	3 acres, except that a 1.5 acre minimum lot size may be approved under Section 1003 if the development is located on slopes of less than 20%	300, except 150 if a 1.5 acre minimum lot size is approved under Section 1003	All uses: 40 feet or 3 stories, whichever is more restrictive	40	35	25	15%, except 20% if a 1.5 acre minimum lot size is approved under Section 1003
3. AG Agricultural District:	1.5 acres	100	All uses: 40 feet or 3 stories, whichever is more restrictive	30	20	20	30%

Zoning District: Type of Use	Minimum Lot Area (sq.ft., unless listed as acres)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]	Maximum Structure Height (ft.) (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note G] [Note H]	Maximum Percent Building Coverage [Note E]
4. RR Rural Residential District:	1 acre, except 30,000 sq. ft. with approved central water system or central sewage system, & 15,000 sq. ft. with approved central water and sewage systems	100, except 75 with approved central water and sewage systems.	All uses: 40 feet or 3 stories, whichever is more restrictive	30	15	20	30%, except 35% if a lot area is allowed to be 30,000 sq. ft. or less

Zoning District: Type of Use	Minimum Lot Area (sq.ft., unless listed as acres)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]	Maximum Structure Height (ft.) (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback (each) (ft.) [Note F] [Note G] [Note H]	Maximum Percent Building Coverage [Note E]
5. SR Suburban Residential and VC Village Center District: a) Single family detached dwelling, single family semi-detached dwelling, or an allowed non-residential use, unless a stricter requirement is required by another section of this Ordinance b) Two family dwelling c) Manufactured (Mobile) Home Park (“MHP”) in SR. See also Section 602, including for density and setbacks. d) Townhouses e) Multi-family dwellings (apartments) Townhouses, apartments, two family dwellings, and a manufactured/mobile home park shall only be allowed if Township-approved central sewage and central water services are both provided. See Note C concerning minimum average density.	Per dwelling unit for residential uses: a) 43,560, except 30,000 with central water or sewage service, & 12,000 with central water & sewage services b) Min. average of 7,000 c) See Section 602 d) & e) Min. average of 7,000 sq.ft.	a) 120, except 75 with central water and central sewage services (per dwelling unit for residential uses) b) 120 (60 per dwelling unit) c) 150 for the tract d) 20 dwelling unit width e) 120	All uses: 40 feet or 3 stories, whichever is more restrictive	All uses: 30, except: 1) as provided in Section 402 for a MHP, and 2) 20 in the VC district.	All uses: 10, except: 1) as provided in Section 402 for a MHP, 2) 15 for a lot without central sewage service, and 3) 20 feet for a non-residential principal use	All uses: 30, except: 1) as provided in Section 402 for a MHP, and 2) 40 for a lot without central sewage service.	35%, except 25% for a lot without central sewage service.

501.B. Dimensional Requirements for Primarily Non-Residential Districts:

Zoning District: Type of Use	Minimum Lot Area (in acres)	Minimum Lot Width Measured at Minimum Building Setback Line (ft.) [Note A]	Maximum Structure Height (ft.) (See also Section 502)	Minimum Front Yard Setback (ft.) [Note D]	Minimum Rear Yard Setback (ft.) [Note F]	Minimum Side Yard Setback(each) (ft.) [Note F] [Note H]	Maximum Percent Building Coverage [Note E]
1. HC Highway Commercial District and LI/B Light Industrial / Business District: a) Allowed non-residential uses. b) Any allowed residential uses shall meet the requirements of the SR District.	a) 1.5 acres	a) 150	All uses: 50 feet or 3 stories, whichever is more restrictive	a) 40	a) 30 [Note I]	a) 30 [Note I]	a) 40%
2. CI Commercial Industrial District or EI Extractive Industrial District:	2 acres	180	All uses: 50 feet or 3 stories, whichever is more restrictive	40	40 [Note I]	35 [Note I]	40%

Section 501. Continued: Notes for the Above Table:

- [Note A] = The minimum lot width is measured at the part of the lot where the minimum building front yard setback applies. If a building is placed further back from the street, it will not change where the lot width is measured.
- [Note B] = If an existing rear or side alley is available or could be feasibly extended, it shall be used for access to parking spaces for the lot instead of a front yard driveway, unless the Township determines that another access is more appropriate as part of a subdivision or land development approval. If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or

if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or semi-detached dwelling and the street right-of-way line shall be used for vehicle parking and driveways, unless a shared parking court is approved with a 20 feet paving setback from the dwellings.

- [Note C] = The average density provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. No minimum lot area applies for each individual dwelling unit, provided that the overall density requirements are met. Each single family, semi-detached or townhouse dwelling shall still be able to meet the minimum front yard, side yard, rear yard and lot width as if each dwelling was on its own fee simple lot.
- The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The total lot area of the tract prior to development is used. The area occupied by existing street right-of-way of existing streets and alleys is then deleted. The following areas are not required to be deleted from the lot area to determine density: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins. The resulting lot area is then divided by the average lot area per dwelling unit to result in the maximum number of dwelling units allowed on the tract.
- [Note D] = Setbacks shall be measured from the legal street right-of-way, after any subdivision or land development has been completed. An unenclosed front porch, steps, stoop or deck may encroach up to 10 feet into the minimum front yard. Such features within the setback may be covered by a roof or awning, but may not be enclosed. See Section 503.B. for rear yard intrusions. A ramp for persons with disabilities may also encroach into any setback as necessary to provide access.
- [Note E] = For townhouses, apartments and manufactured home parks, the maximum building coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.
- [Note F] = The following exceptions shall apply:
- For accessory structures and uses, see Section 503 below.
- Structures shall not obstruct minimum sight clearance at intersections, as provided in Section 1303.C.
- See Section 1105.C. regarding extension of nonconforming setbacks.
- See Section 504.C. regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.
- [Note G] = See Section 503.B. for a minimum setback from an approximately parallel door or window of a building on another lot.
- [Note H] = Except 0 feet at the shared lot line of lawfully attached dwellings, such as along the lot line of semi-detached dwellings or townhouses, or where a new attached building is constructed that replaces a previous building that was attached to the same adjacent building, or where the Township approves adjacent business buildings to be constructed on a lot line as part of a subdivision or land development.
- [Note I] = Except 40 feet side and 40 feet rear for a principal business from a lot in a Residential District that is occupied by a principal dwelling that is not in common ownership. Such side or rear yard shall be increased to 70 feet from such a lot for any building area or land area used for manufacturing, bulk storage of highly hazardous substances, industrial outdoor processing or a tractor-trailer truck loading dock.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum.

502. **Height Exceptions.** Section 501 establishes maximum heights for each District. The following provisions shall also apply:
- A. Any accessory structure or building shall have a maximum height of one habitable story or 25 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
 - B. The maximum height requirements shall not apply to cranes or similar mechanical devices.
 - C. The maximum structure height specified for each District shall not apply to: antenna and communications towers that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, utility lines and poles and towers, elevator shafts, rooftop stairways, wind turbines that comply with this Ordinance, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, agricultural silos, conveyors and similar equipment, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Article 13.
 - D. Solar energy collection devices may exceed the maximum structure height by 6 feet, provided the devices do not extend more than 1 foot above the top of the peak of a pitched residential roof.
503. **Accessory Structures and Uses.**
- A. Accessory structures and uses shall meet the minimum yard setbacks that are listed in Section 501, unless otherwise provided for in this Ordinance, including the following subsections.
 - B. The minimum side and rear yard setback for a permitted detached structure that is accessory to a dwelling shall be 3 feet, except in the following cases:
 - 1. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the 3 feet setback on a lot line where the dwellings are not attached, and shall not be placed less than 3 feet from an approximately parallel door or window of another dwelling.
 - 2. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note D above considering front yard setbacks.
 - 3. See Section 603 for swimming pools.
 - 4. A vehicle garage that is accessory to a dwelling shall in no case be setback less than 10 feet from the centerline of any alley which provides access to the garage, unless a larger setback is established by another section of this Ordinance.
 - 5. No accessory building and no swimming pool shall be allowed between the principal building and the front lot line.
 - 6. One detached carport for personal motor vehicles for a dwelling unit and that does not have structural walls shall not require a zoning permit or be required to meet minimum setbacks.
504. **Reduction in Front Setbacks.** Where a subject lot has 2 abutting lots on the same side of the street along the same block, and both of these lots have an existing front yard building setback that is smaller than the setback that would be required on the subject lot, then the subject lot may have a minimum front yard setback that is equal to the average of those 2 abutting lots.

505. Dimensional Provisions for Solar Energy Collection Devices.

- A. Article 3 lists where solar energy collection devices are allowed, and the maximum percentage of lot area that can be covered.
- B. See Section 502.D. which allows solar energy collection devices to exceed the maximum height. Solar screens, awnings, or solar panels that extend over building windows and that do not include any signage may intrude into a building setback area by up to 15 feet.
- C. Solar energy collection devices that are not located on a building roof shall not: (1) be located in a minimum front yard (such as within the first 30 feet from the right-of-way where a 30 feet front yard is required in the zoning district), and (2) have a total height above the ground of more than 15 feet, unless they meet minimum setbacks for a principal building.

506. Septic Systems.

A. On-Lot Septic Systems.

- 1. Purpose - To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
- 2. This Section shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance.
- 3. Each new lot shall include both a primary and a reserve septic system location. Both locations shall be determined by the Township Sewage Enforcement Officer to meet DEP regulations for a septic system location prior to approval of the final subdivision or land development plan.
- 4. The requirement for a reserve septic system location shall not apply to the following:
 - a) the simple merger of two or more existing lots, or an adjustment to lot lines of an existing lot,
 - b) a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot,
 - c) lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township, or
 - d) an existing lot of record being occupied by a single family detached dwelling.
- 5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking. The Township may require that the location be recorded on the deed.

B. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate (if required) septic system locations.

- 1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA. DEP regulations between a well and septic systems on the subject lot and all adjacent lots. Note - DEP-mandated tests for a septic drain field will evaluate whether the soils are appropriate for treatment and whether the site is not too wet.
- 2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
- 3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
- 4. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In

addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet State-mandated minimum separation distances between septic systems and wells. The location or alternative locations for a well on a lot must be determined before a septic system is installed.

- C. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would be expected to result under PA. DEP standards in increased flow to a septic system (such as addition of bedrooms), then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

507. Open Space Development Option.

- A. Applicability and Purposes. The Open Space Development Option offers the ability to develop with smaller lot areas, lot widths and setbacks in the conservation, residential and VC districts, in return for the permanent preservation of substantial land that meets the definition of "Open Space, Common or Preserved." The term "Preserved Open Space" in this section includes permanently preserved lands that may be owned commonly through a homeownership association, is publicly owned, or that is preserved in open space by a private owner. Such open space may serve agricultural preservation or non-commercial recreation purposes.
- B. Uses and Dimensions. The only uses that shall be allowed in an OSD shall be single family detached dwellings and their customarily incidental accessory uses. In addition, the Preserved Open Space may be used as provided in this Section.
1. All of the provisions of this Zoning Ordinance and the Zoning District regulations shall continue to apply, except for provisions modified by this Section 507.
 2. In order to use the OSD option, a minimum of 30 percent of the total land area of the tract (before subdivision but after deleting rights-of-way along existing streets) shall be permanently preserved as Open Space, Preserved (see definition in Article 15).
 3. For single family detached dwellings in the CN, AC and AG districts, the minimum lot area may be reduced to one acre, the minimum lot width at the minimum building setback line may be reduced to 100 feet, each minimum side yard may be reduced to 15 feet, the maximum building coverage may be increased to 25 percent.
 4. For single family detached dwellings in the RR district, the minimum lot area may be reduced to 12,000 square feet, the minimum lot width at the minimum building setback line may be reduced to 80 feet, each minimum side yard may be reduced to 10 feet, and the maximum building coverage may be increased to 35 percent. OSD may only be used in the RR district if the dwellings will be served by both central sewage service and central water services.
 5. For single family detached dwellings in the SR or VC district, the minimum lot area may be reduced to 9,000 square feet, the minimum lot width at the minimum building setback line may be reduced to 70 feet, each minimum side yard may be reduced to 8 feet, and the maximum building coverage may be increased to 50 percent. OSD may only be used in the SR or VC districts if the dwellings will be served by both central sewage service and central water services.
 6. The OSD tract shall include a total of at least 5 acres prior to subdivision.
- C. To determine the maximum allowed density in an OSD, a Yield Plan is required. This Yield Plan shall be drawn accurately to scale, but shall only be required to have the level of detail typically found in a sketch plan. The Yield Plan shall show the number of single family detached dwelling lots that would be

feasible on the tract of land under the dimensional standards of the applicable zoning district, as applicable, that would apply without the OSD Option.

1. The Yield Plan shall be reviewed by the Zoning Officer and Township Engineer and shall be required to be modified by the applicant if such staff determine that it is not accurate.
 2. The maximum density in an OSD shall not exceed 130 percent of the density that is shown to be feasible on the Yield Plan. However, the applicant is still required to comply with other provisions of this Section, and there is no guarantee that such density is achievable on a specific lot.
- D. To avoid fragmented open spaces, a minimum of 50 percent of the required Preserved Open Space must be in one contiguous lot, except that the Preserved Open Space may be separated by creeks, water bodies, and a maximum of one street. A driveway limited to emergency vehicles may also cross the Preserved Open Space.
- E. Where applicable, the majority of the required Preserved Open Space should be placed in one or more of the following locations:
1. adjacent to an existing or planned public or homeowner association-owned recreation area,
 2. adjacent to existing farmland, where the open space will help to separate the homes and the agricultural activities,
 3. at the edge of a neighboring undeveloped lot, where the preserved open space could be connected in the future to open space on that neighboring lot,
 4. adjacent to a major road where the open space will serve to buffer homes from the traffic,
 5. within an area of land that is feasible to be used for agricultural purposes, and/or
 6. adjacent to a business zoning district where the open space will serve to buffer homes from businesses.
- F. An Open Space Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors that the following additional conditions shall be met, at the time of the preliminary subdivision application:
1. That the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - a) The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, mountain ridges, important wildlife corridors/habitats, highly scenic areas or other sensitive natural features.
 - b) The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes. In such case, new dwellings shall be concentrated adjacent to existing dwellings and residential zoning districts.
 - c) The dedication of recreation land at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d) The provision of preserved open space in a location that will allow homes to be buffered from a heavily traveled road, agricultural uses, or business uses. Where the homes are being buffered from a major road, landscaping shall be used in the open space as a buffer.
 2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a) At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation

improvements and needed utility, street and driveway crossings. Low-maintenance landscaping is encouraged along creeks and other areas where maintenance would otherwise be difficult.

- b) The natural features of the site shall be a major factor in determining the siting of dwelling units and streets.
- 3. The Township may require the use of conservation easements within an Open Space Development to limit the disturbance of natural slopes over 20 percent, wetlands, mature forests, creek valleys and other important natural features.

G. The Open Space shall be in addition to any Recreation Land or Fee-in-Lieu of Land requirements of the SALDO, unless the applicant proves to the satisfaction of the Board of Supervisors that the proposed Preserved Open Space would include suitably improved land that will meet the intent of the recreation land requirements of the SALDO.

H. Standards. Required Preserved Open Spaces shall meet all of the following requirements:

- 1. Preserved Open Space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes. Forestry shall be limited to selective cutting following a forest management plan that follows best management practices. Land approved as required Preserved Open Space shall only be used for non-commercial active or passive recreation, a non-commercial community center for meetings and recreation, a Christmas Tree Farm, a nature preserve, a horse farm, a wholesale plant nursery, crop farming and/or another type of agricultural use that is authorized by the conservation easement.
- 2. Improvements to Open Spaces. Where the Preserved Open Space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land to make it suitable for its intended purpose.
 - a) Examples of such improvements include preservation and planting of trees, development of trails, stabilization of creek banks, removal of undesirable vegetation, and grading of land for recreation (such as an informal open play field for youth).
 - b) Type of Maintenance. The final subdivision plan shall state the intended type of maintenance of the open space, such as lawn areas that are regularly mowed, or natural areas for passive recreation that are intended for minimal maintenance.
 - c) All proposed Preserved Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - d) The applicant shall prove that all required Preserved Open Space would be suitable for its intended purposes. The Township may require the provision of a trail easement and/or the construction of a recreation trail through Preserved Open Space. If a developer installs a trail, it shall be completed prior to the final sale of all immediately adjacent residential lots to residents.
 - e) Lots and Preserved Open Space should be located to promote pedestrian and visual access to preserved open spaces whenever possible.
 - f) Sufficient access points from each Preserved Open Space shall be provided to streets for pedestrian access and maintenance access, unless it will be used for agricultural purposes. The Board of Supervisors may require that maintenance and/or pedestrian access points be paved and be up to 8 feet in width, meeting Township standards for a bike path. Maintenance access points shall be of a slope that is suitable for access by vehicles and equipment.
 - g) Open Space Ownership. The method(s) to be used to own, preserve and maintain any Preserved Open Space shall be acceptable to the Township. The Township shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure

permanent ownership, preservation and maintenance of land that will not be included in individual home lots.

- h) The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township shall only accept ownership of open space if the Board of Supervisors has agreed in writing in advance to accept such ownership. If the preserved open space will not be owned by the Township, then the preserved open space shall be permanently preserved by one or a combination of the following methods that are found to be acceptable to the Board of Supervisors:
- (i) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (ii) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for school recreation, public recreation, environmental education and/or related open space.
 - (iii) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (iv) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors for maintenance as a nature preserve or passive recreation area.
 - (v) Dedication of a permanent conservation easement that results in the land being used *for* a suitable range of agricultural uses, such as crop farming, a tree farm, or a horse farm, and which may include one of the allowed dwelling units on the lot.
 - (vi) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (vii) Preservation of the Preserved Open Space as part of one privately-owned lot that is restricted against subdivision by a conservation easement, if the applicant proves that none of the other alternatives are feasible. In such case, the Preserved Open Space shall be in addition to the land area that would needed to meet the requirements for any dwelling on the lot. The conservation easement shall control alteration of natural features on the lot and shall limit non-residential use/ non-agricultural use of the lot.
 - (viii) The easement shall provide the Township with the authority, but not necessarily the responsibility, to enforce any use restrictions, limitations or conditions set forth in the conservation easement or deed of dedication.

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ARTICLE 6

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

601. **Applicability.**

- A. This Article establishes additional requirements for certain specific uses, in addition to the other requirements of this Ordinance. Where two requirements directly conflict regarding the same matter, the stricter requirement upon use or development shall apply.
- B. For uses allowed within a specific Zoning District as "Special Exception Uses," see also the procedures and standards in Section 1216. For Conditional Uses, see Section 1217.

602. **Additional Requirements for Specific Uses that are Typically Principal Uses.**

- A. Each of the following uses shall meet all of the following requirements for that use:
 - 1. **Adult Use.** (This is limited to the following: Adult Store, Adult Movie Theater, Massage Parlor, or Adult Live Entertainment Facility)
 - a. **Purposes.** The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - (1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the Township. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - (2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - (3) To not attempt to suppress any activities protected by the "free speech" protections of the State and U.S. Constitutions, but instead to control secondary effects.
 - b. An Adult Use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
 - (1) 600 lineal feet from an existing dwelling on another lot,
 - (2) 300 lineal feet from the lot line of any lot in a Residential Zoning District, and
 - (3) 1,000 lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
 - c. No Adult Use shall be located within 500 lineal feet from any existing "Adult Use."
 - d. A 50 feet buffer yard shall be provided along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of 5 feet.

- e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - g. Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
 - h. An Adult Use shall be prohibited in all Districts except where specifically allowed under Article 4. An Adult Use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
 - i. A minimum lot area of 2 acres is required.
 - j. For public health reasons, private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - k. No use may include live actual or simulated sex acts nor any sexual contact between employees and entertainers nor or between employees or entertainers and customers.
 - l. Only "lawful" massages as defined by State court decisions shall be performed in a Massage Parlor. A use that involves massages by State-licensed massage therapists shall be considered a Personal Service Use and not a Massage Parlor.
 - m. Any application for such use shall state the legal name(s) of an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. A telephone number, official mailing address and email address shall be provided where the on-site manager can be reached during the hours when the business is open. The application shall also include contact information, including the legal name, business phone number and official mailing address for at least one individual who is the primary owner, a corporate official, a partner or the largest shareholder of the business. Such information shall be updated in writing to the Zoning Officer within one business day after it changes.
 - n. The use shall not operate between the hours of 12 midnight and 7 a.m. If State liquor laws require that the Township allow the sale of alcohol during later hours, the Adult Uses shall still cease at midnight.
 - o. As specific conditions of approval under this Ordinance, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
 - p. An Adult Use shall be open to inspections during business hours by Township code enforcement staff.
2. **Adult Day Care Center.**
- a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not meet the definition of a "treatment center".
3. **After Hours Club.** This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes). If the use is determined to be allowed under State law, then the applicant shall be a special exception use that is only allowed in the IC district. In such case, the applicant shall prove to the satisfaction of the Zoning Hearing Board that there will be adequate security and noise control measures.

4. **Agricultural Industry.** The following provision shall apply, except where it is determined that the matter is preempted by State laws or regulations as a “normal agricultural operation.” The use shall be designed, constructed and operated in a manner that minimizes offensive odors as received by residents on other properties. See Section 1006.
5. **Agri-tourism.**
 - a. See the provisions in 602 for activities that are permitted by right within a “Winery.” For an operation that involves additional activities, the Agri-Tourism provisions apply.
 - b. Educational tours, petting zoos, animal rides and corn mazes shall be permitted by right. See also “Retail sales of agricultural products” in this section, which is a permitted by right use.
 - c. The following Agri-tourism uses shall require special exception approval:
 - (1) Occasional accessory music concerts, banquets, conferences, weddings, festivals and similar special events, which may involve provision of beverages and meals to attendees, and which may include accessory food trucks or food trailers.
 - (2) An applicant may request approval for a set of various events over a period of years, provided that the Zoning Hearing Board shall have the authority to place reasonable conditions upon the approval. Instead of requesting approval for specific dates, the applicant may request approval for certain types of events over various seasons.
 - d. Additional Requirements:
 - (1) An Agri-tourism use shall not involve an on-site commercial kitchen, unless a restaurant is allowed in the zoning district.
 - (2) An Agri-tourism use shall not be operated in a manner that generates off-site noise by customers, patrons or performers between 10 pm and 8 am.
 - (3) If a concert, wedding or special event is projected to involve attendance by 100 or more persons, the applicant shall employ attendants to manage parking and driveways on the site. The Township may also require that the applicant provide compensation for fire police, if necessary, to manage traffic on a public road.
 - (4) Sufficient sanitary facilities shall be provided, including hand-washing stations.
 - (5) Any temporary stage, trailer, food vendor, tent or similar structure shall meet setbacks for a principal building.
 - (6) All waste, trash, tents, temporary structures, food vendors and trailers that resulted from a concert, wedding or special event shall be removed from the property within 48 hours after the event has ended.
 - (7) Music from the property shall not be heard within dwellings on other lots.
 - (8) The use shall not involve the use of fireworks or cannons that can be heard on any other residential property. The use shall not include any amusement park-type rides.
 - (9) The uses allowed by this Section shall not involve the construction or placement of new or expanded building(s) that cover more than 6,000 square feet of land area. However, larger buildings may be allowed for agricultural purposes.
 - (10) The materials proposed for the vehicle parking shall be shown on the site plan. The Township may approve portions of the parking that are not used on a daily basis to: a) be maintained in grass, or b) use other pervious materials that are found acceptable by the Township Engineer.

- (11) Vehicle parking for guests and customers shall be setback a minimum of 40 feet from any “residential lot line” of a neighboring property, except this distance may be reduced to 20 feet if a landscaped planting strip is placed between the parking and the lot line. Such planting strip shall primarily include evergreen trees, with an intended height of at least 6 feet within 2 years. The planting strip shall include at least 2 species of evergreen trees and at least one species of deciduous trees, and shall be designed to have a more naturalistic appearance, as opposed to one rigid row.
- (12) Minimum lot area of 5 acres.
- (13) Signs - See Article 7.

5. **Airport.**

- a. As part of any special exception, the Zoning Hearing Board shall have the authority to establish reasonable conditions that limit the types, sizes and weights of aircraft and the hours of operation in order to minimize noise nuisances to dwellings.
- b. As part of a special exception use application, the applicant shall provide evidence that flight patterns will be designed to minimize noise nuisances to dwellings.
- c. Each end of a runway shall be setback a minimum of 250 feet from all lot lines. Each side of a runway shall be setback a minimum of 100 feet from all lot lines.

6. **Animal Cemetery.**

- a. All the regulations for a "Cemetery" in this Section shall apply.
- b. The applicant shall prove to the satisfaction of the Zoning Officer (or the Zoning Hearing Board in the case of a special exception use) that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

7. **Animal Day Care.**

- a. This use shall involve providing temporary care and recreation for multiple dogs and household pets.
- b. This use shall not primarily involve the keeping of animals for more than 24 hours, unless the requirements are also met for a Kennel.
- c. The applicant shall describe in writing measures that will be used to avoid noise or odor nuisances for occupants of neighboring uses.
- d. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 200 feet from any existing dwelling.
- e. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- f. The applicant shall describe how outdoor runs will or will not be used during various hours.

8. **Apartments** - See "Townhouses and Apartments" and "Conversions" in this Section.

9. **Assisted Living Facility/ Personal Care Home.** - The standards for “Nursing Homes” in this section shall apply.

10. **Auto, Boat or Mobile/ Manufactured Home Sales.**

- a. No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
- b. See light and glare standards in Section 1007.

- c. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
- d. This use shall encompass sales and rental of all types of motor vehicles and trailers, including recreational vehicles.
- e. Auto Auctions with Storage Yards shall meet the following additional requirements:

11. Auto Repair Garage.

- a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a "residential lot line."
- b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 10. See buffer yard requirements in Section 803.
- c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- d. Overnight outdoor storage of "junk" other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
- e. Any "junk vehicle" (as defined by Section 1502) shall not be stored for more than 60 days within view of a public street or a dwelling, unless it is actively under repair or is awaiting resolution of an insurance claim or an accident investigation. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless it is actively under repair, or is awaiting resolution of an insurance claim or an accident investigation.
- f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street), if another reasonable alternative exits.

12. Auto Service Station.

- a. See definition of this term and "Auto Repair Garage" in Article 13. The uses may be combined, if the requirements for each are met.
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- c. Fuel pumps shall meet side yard principal building setback requirements.
- d. The regulations for "Auto Repair Garage" in the above subsection shall also apply to an "Auto Service Station."
- e. The use may include a "convenience store" if the requirements for such use are also met.
- f. A canopy shall be permitted over the gasoline pumps with a minimum front setback of 15 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: a) signs may be attached to the canopy in place of part of the allowed freestanding or wall sign area for the property, and b) necessary warning signs.
- g. Fuel dispensers and fuel tanks shall be setback a minimum of: 1) 30 feet from the existing street right-of-way line, 2) 100 feet from any lot line of a lot occupied by a principal residential use, and 3) 300 feet from a lot line of a school, day care center, playground, library, nursing home, personal care home or hospital.
- h. Gas station canopies must be designed with luminaries recessed or screened under the canopy to minimize light pollution onto streets and other lots. See also limits on lot line lighting in Article 10.

- i. Gas stations may include a car wash if the requirements for a car wash are also met.

13. Bed and Breakfast Inn.

- a. Within a Conservation, Agricultural or Residential District (if permitted under Article 3), no more than 5 rental units may be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other allowed districts.
- b. One off-street parking space shall be provided for each rental unit in addition to parking required for the operator's dwelling unit. If new off-street parking spaces for the Bed and Breakfast Inn are located between the principal building and a public street, the parking shall be screened from the street and abutting dwellings by landscaping.
- c. Signs advertising the business shall be limited to a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. Such sign shall not be internally lit.
- d. The use shall have a residential, agricultural or historical appearance.
- e. The use shall be operated and/or managed by permanent residents of the lot.
- f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
- g. No guest shall reside in the Bed and Breakfast Inn for more than 30 total days in any 90 day period.
- h.. The use shall be limited to buildings that existed prior to January 1, 1950.

14. Boarding House (includes Rooming House).

- a. Minimum lot area - 2 acres, unless a larger acreage is required by other regulations.
- b. Minimum side yard building setback - 15 feet each side
- c. Minimum lot width - 100 feet
- d. Maximum density - 1 bedroom per 3,000 square feet of lot area; but in no case shall the lot serve a total of more than 20 persons.
- e. Each bedroom shall be limited to 2 persons each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
- h. Signs shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.
- j. If the use houses more than 8 persons, a resident manager shall be required, who shall be authorized to accept code enforcement notices.

15. BYOB Club.

- a. The use shall submit a security plan, which shall be found acceptable by the Zoning Hearing Board, after the plan is offered for review by the Police Department.
- b. As a condition of approval, the applicant shall regularly collect litter from the outside of the premises and adjacent sidewalks. The applicant shall maintain and regularly empty a trash receptacle near a building exit.

16. Campground or Camp.

- a. Retail sales shall be allowed as an accessory use, provided that in a residential district, the store is primarily intended to serve persons camping on the site.
- b. Minimum lot area – 3 acres in an allowed commercial or industrial district, 5 acres in any other district where the use is permitted under Article 3.

- c. All campsites, recreational vehicle sites, and principal commercial buildings shall be setback a minimum of 50 feet from any lot line. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
 - (1) The screening of evergreens provided in Section 803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
- d. Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- e. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
- f. The applicant shall prove to the Township that adequate water supply and sanitary facilities will be provided.
- g. Any accessory retail, dining, pool or athletic facilities shall be setback a minimum of 100 feet from any lot line of an existing dwelling.
- h. A minimum of 20 percent of the lot area shall be maintained in open space, woods and/or recreation facilities.

17. Car Wash.

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

18. Cemetery.

- a. Minimum lot area- 2 acres, which may be on the same lot as an allowed place of worship.
- b. All structures and graves shall be setback a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal vehicle driveway, and 10 feet from any other exterior lot line. A setback shall not apply between grave sites. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all exterior lot lines.
- c. No grave sites and no buildings shall be located within the 100-year floodplain.
- d. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

- e. The internment or spreading of cremated remains are not regulated by this Ordinance, unless they are in a building of more than 100 cubic feet, in which case they shall be considered a cemetery.

19. Commercial Communications Antennae/Tower as principal or accessory use.

- a. An accessory commercial communications antenna shall be permitted by right in any District if it meets the following requirements:
 - (1) In any district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - (i) a principal agricultural building or silo,
 - (ii) an electric high voltage transmission tower,
 - (iii) an existing lawful commercial communications tower,
 - (iv) a fire station or steeple or bell tower of a place of worship, or
 - (v) a water tower.
 - (2) An antenna that extends between 20 and 40 feet from the structure to which it is attached shall only be allowed in a Commercial or Industrial District. Such antenna shall not be attached to a dwelling. In such case, the antennae shall be setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- b. Any commercial communications antenna/tower that does not meet Section "A." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Articles 3 and 4, and in compliance with the following additional regulations:
 - (1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Township may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
 - (2) A new tower, other than a tower on a lot of an emergency services station, shall be setback a minimum horizontal distance equal to its total height from any lot used for residential purposes.
 - (3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - (4) See structural and wind resistance requirements of the Construction Code.
 - (5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - (6) An applicant for a new commercial communications tower shall provide evidence to the Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - (7) A maximum total height of 200 feet above the ground shall apply in a Commercial or Industrial District and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
 - (8) The application shall describe any proposed lighting. The Board may restrict the type of lighting used, provided it does not conflict with FAA requirements.

- (9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs.
- (10) Any new tower shall be designed to accommodate equipment for more than one provider.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
 - (1) To protect property values.
 - (2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - (3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station or a Township Building shall be permitted by right. Such tower/antenna may also serve accessory commercial purposes.
- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
- f. Antennae and towers shall comply with any Airport Approach zoning regulations.
- g. This Zoning Ordinance does not regulate communications antenna that are placed on poles within a street right-of-way, which shall require a separate Township approval or permit outside of the Zoning Ordinance. However, a new pole shall not be placed in the right-of-way abutting a residential zoning district for the primary purpose of supporting a communications antenna.
- h. Once a communications tower has been approved, antenna and equipment may be placed or replaced on the tower as a permitted by right use, provided the total height is not increased above the approved height.

20. Commercial Crop Storage.

- a. When special exception approval is required, the applicant shall describe measures that will be put into place to minimize any explosive hazards.
- b. The use may exceed the maximum height of the district, provided the total height of the structures is less than the distance of their setback from a residential lot line. See also FAA lighting regulations.

21. Conversion of an Existing Dwelling into Additional Dwelling Units.

- a. See Articles 3 and 4, which establish where conversions are allowed.
- b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - (1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.

- (2) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than 2 off-street parking spaces in the required front yard.
- c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- d. A maximum total of 4 dwelling units may be developed per lot, unless a more restrictive provision is established by another section of this Ordinance, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Ordinance.
- e. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.
- f. See Section 506 concerning septic systems.

22. Conversion of an Existing Principal Institutional Building or a Principal Industrial Building into Multi-Family Dwellings or Live Work Units.

- a. A minimum of 500 square feet of floor area shall apply within each dwelling unit. A minimum square footage of lot area per dwelling unit shall not apply for this use.
- b. If the applicant proves to the satisfaction that modifications are needed to parking, loading, density or setback requirements to reasonably allow the adaptive reuse of an existing principal building, the Zoning Hearing Board shall have the authority to approve such modifications as a condition of the special exception approval.
- c. The Zoning Hearing Board shall consider compatibility with any adjacent residential neighborhood in considering approval of such modifications, and the availability or shortage of on-street parking spaces and the anticipated need for parking in case of a parking modification. If the applicant is requesting a parking modification, the applicant shall provide a written analysis of available parking spaces in the vicinity during a time of peak parking demand.

23. Crematorium

- a. Minimum lot area - 2 acres. A crematorium may be on the same lot as a cemetery, provided the requirements for each are met.
- b. A crematorium, where allowed by Article 3, shall be setback a minimum of 200 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. Township zoning approval is conditioned upon receiving a DEP Air Quality Permit. The Zoning Officer shall be notified in writing by the operator of the use within one business day if such State permit is ever suspended or revoked.

24. Criminal Halfway Houses or Day Reporting Center.

- a. See definition in Section 1302.
- b. The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception use approval.
- c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety. The plan for security measures shall be offered for review by the Police Department. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

- e. A use involving housing of 2 or more persons who are required to register their place of residence under Megan's Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.

25. Day Care Center, Child.

- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 603.
- b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Human Services registration certificate or license.
- c. At least one convenient space for the safe loading and unloading of children shall be provided, unless the Township may approve an on-street loading space.
- d. The use shall include secure fencing with a height between 4 and 6.5 feet around outdoor play areas. The outdoor play area shall include a minimum of 1,000 square feet of land area for a Day Care Center of up to 20 children, which shall be increased to 2,000 square feet for larger numbers of children.

26. Dog Day Care. - See Animal Day Care.

27. Emergency Services Station. The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and facilities for periodic special events.

28. Forestry/Timber Harvesting. This section "28" shall apply to any timber harvesting involving more than 3 acres of land in any calendar year, other than: routine thinning of woods that result in the land remaining forested, cutting of trees for personal firewood for the landowner, Christmas Tree Farms, orchards, tree nurseries, timber harvesting on state or federally owned land, tree removal that is necessary to develop approved permitted uses or utilities or soil testing, or removal of dangerous trees or trees that are diseased or infested with insects that are likely to eventually kill the tree.

- a. Notification of commencement or completion. For all timber harvesting operations that are expected to exceed 10 acres, the landowner shall notify the zoning officer at least 5 business days before the operation commences and within 3 business days before the operation is complete. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- b. Logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan that meets the requirements of this section below. The timber harvesting plan shall be submitted as part of the required zoning permit application. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the zoning officer upon request.
- c. Responsibility for compliance. The landowner and the operator shall be jointly and separately responsible for complying with the terms of the logging plan.
- d. Logging Plan Requirements. The logging plan shall include the following:
 - (1) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
 - (2) Design, construction and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips and water bars;

- (3) Design, construction and maintenance of stream and wetland crossings; and
- (4) The general location of the proposed operation in relation to public roads, including any accesses to those roads.
- (5) Map. Each logging plan shall include a sketch map containing the following information:
 - (a) Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within the property;
 - (b) Significant topographic features related to potential environmental problems;
 - (c) Location of all earth disturbance activities, such as roads, landings and water control measures and structures;
 - (d) Location of all crossings of creeks and wetlands; and
 - (e) The general location of the proposed operation to public roads, including any accesses to those roads.
- (6) Compliance with State Law. The logging plan shall show how it will comply with the requirements of all applicable state regulations, including, but not limited to, the following:
 - (a) Erosion and sedimentation control regulations contained in Title 25, Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law; and
 - (b) Stream crossing and wetlands protection regulations contained in Title 25, Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act.
 - (c) A zoning permit shall be conditioned upon the applicant providing proof to the Township of the issuance of required state permits and approvals.
- e. Required Timbering Practices. The following requirements shall apply to all timber harvesting operations:
 - (1) Felling or skidding on, or across, any public road is prohibited without the express written consent of the Township, or PennDOT, whichever is responsible for maintenance of the road;
 - (2) No tree tops or slash shall be left within 25 feet of any public road, or private roadway providing access to other dwellings;
 - (3) No tree tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof; and
 - (4) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.
 - (5) Road Repair. The landowner and the operator shall be responsible for repairing any damage to Township roads and/or entrances/exits along public roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic.
 - (a) If authorized under State law and regulations (such as Title 75 Pa. C.S.A., Chapter 49, and Title 67 Pa. Code, Chapter 189), the landowner may be required to furnish a bond. Such bond shall financially guarantee the repair of potential damages to public roads, as determined by the Township, with advice from the Township Engineer, and in compliance with any Township Road Bonding Ordinance that may be enacted.

- (b) In addition, the Township may require a timbering operator to provide a bond to cover the costs of repairing potential damage where timbering trucks will enter or exit a Township road.
- f. Sawmill. A sawmill owned or rented by the property owner for his/her conducting of timber harvesting practices on lands owned by said property owner is an accessory use to timber harvesting as defined in this Ordinance.
- g. Enforcement.
 - (1) Inspections. Upon providing advance notice to the property owner of record, and consistent with other laws, the Zoning Officer may go upon the exterior of any timber harvesting operation during daylight hours before, during, or after active logging to review compliance with the logging plan and associated plans and regulations.
 - (2) Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of this Section or the logging plan, the Zoning Officer shall issue a written Zoning Enforcement Notice to the operator and the landowner, which shall specify a date by which corrective action must be taken. Zoning Officer may order the immediate suspension of any operation upon finding that: (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by Zoning Officer, the operation is brought into compliance with this Section or other applicable statutes or regulations. The landowner or the operator may appeal an enforcement or suspension notice or determination by the Zoning Officer to the Zoning Hearing Board. The provisions of this Section are in addition to all enforcement remedies and penalties available under the Zoning Ordinance.
- h. The cutting or removal of more than 50 percent of the forest cover (canopy) is prohibited within 50 feet from the top of the bank on each side of a perennial waterway and on areas with a natural slope greater than 25 percent. In such areas, the remaining trees shall be distributed to promote reforestation. Best management practices shall be used to protect water quality and to control erosion and stormwater problems on such areas.

29. Gaming Facilities.

- a. The Gaming Facility building shall be set back a minimum of 400 feet from a residential lot line in a residential district, and from the lot line of any place of worship or primary or secondary school.
- b. The applicant shall prove that there will be sufficient water supply for the use and for firefighting.
- c. The applicant shall prove that the wastewater treatment facilities will be sufficient.
- d. Parking areas shall be set back a minimum of 100 feet from a residential lot line in a residential district.

30. **Golf Course.** A golf course may include an accessory restaurant, pool, maintenance building, pro shop or clubhouse provided that such building or facilities is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 10 percent of the total lot area of the golf course.

31. Groundwater or Spring Water Withdrawal of more than 10,000 gallons per day.

- 31.A. Groundwater or Spring Water Withdrawal of more than 10,000 gallons per day, involving on-site or off-site use.
- a. Groundwater and spring water withdrawal involving removal of an average over any 30 day period of more than 10,000 gallons per day from a lot is required to be regulated under the provisions of this subsection. The regulations of this subsection shall not apply to water used by a principal agricultural use or golf course within the Township unless the extraction has a measurable negative effect on adjoining properties.
 - b. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells of neighboring properties, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields. The applicant shall conduct testing and provide a written report with the application for Special Exception by a professional Hydrogeologist in technical detail and in a narrative understandable by a layperson addressing the following criteria:
 - 1) Testing Rate: Unless the applicant has valid historic water use data specific to their situation, the applicant shall use published data to estimate the applicant's base and peak water demands. The withdrawal test shall be conducted at a rate of no less than 150% of the peak daily water demand, recognizing that the minimum 150% safety factor considers an industry standard 16 hour a day instead of constant pumping rate for most water supplies. The rate of withdrawal of water during the test shall be verified by a totalizer flow meter. Water withdrawn during the test shall be directed at least 100 feet downslope of the source and shall be located in a manner that shall not adversely influence surface water monitoring.
 - 2) Testing Duration: The withdrawal test shall run at a continuous and constant rate for no less than 72 hours. Withdrawal shall occur when there is no precipitation or snowmelt event of a degree of significance that would result in measurable increased recharge to the aquifer or stream level above baseline recharge.
 - 3) Source Water Level Monitoring: The water level of the supply source (well/spring/stream) shall be measured using an automated water level recording device supplemented by manual calibration water level checks. Equipment shall provide an accuracy and resolution of at least 0.1 feet. All recorded / measured data shall be presented in final report which shall be subject to review and approval by the Township and its consultants. The applicant shall demonstrate to the satisfaction of the Township and its consultants that the frequency of measurements is sufficient to adequately determine the source water levels. Background measurements shall be made no less than one week prior and one week after the withdrawal test has occurred.
 - 4) Regional Water Level Monitoring: A well and stream monitoring plan shall be developed to represent the area within and beyond the potential impact region to provide background data which shall be subject to review and approval by the Township and its consultants. The plan shall include, but not be limited to, the location, frequency of monitoring and hydrogeologic data on each monitoring point. No less than four monitoring points shall be provided in the

monitoring plan. The influence of bedrock orientation and fracture traces shall be considered to develop the monitoring program. Monitoring shall consider measuring potential level and flow impacts to surface water bodies such as streams, springs and wetlands. Accuracy and resolution of well water levels shall be no less than 0.1 feet and surface water level monitoring shall be no less than 0.01 feet accuracy and resolution. When stream/springs are being monitored, changes in water levels during the withdrawal test must be provided along with an accurate and direct correlation to the equivalent change in rate of water flow. Flumes and weirs are preferred methods to measure stream flow rates.

- 5) Notifications / Contingencies: All water users within the monitoring area shall be notified by certified mail of the withdrawal test before the required background monitoring occurs. Due to the potential for delays in testing, a general period for the testing may be provided in the notification letter. Notification shall provide a 24-hour available telephone contact number to call should a water user experience a water supply / quality problem during the test. The notification should also state that anyone experiencing a problem should also report it to the Township. Township shall be provided with copies of the names and addresses of those sent notifications. Applicant shall provide verification that bottled water and a potable water tanker with booster pump are promptly available should a water user in the area experience a supply problem during the testing period.
- 6) Withdrawal Rate Limitations: Upon completion of the withdrawal test, the area of depression of the natural stream/ground water level caused by the test shall be determined. That area shall be termed the "primary groundwater recharge area" for the withdrawal. Unless information can be provided to support the contrary, the region outside of the primary groundwater recharge area shall be presumed to have a direction of groundwater movement equivalent to surface water movement. The area upgradient of the primary groundwater recharge area that provides lateral flow through the aquifer and or stream into the primary groundwater recharge area shall be delineated on a topographic map and shall be termed the "secondary recharge area." Availability of water to the proposed withdrawal point(s) shall be calculated using the primary and secondary recharge areas multiplied by the 1 in 25-year drought condition aquifer recharge rate. The 1 in 25-year drought condition aquifer recharge rate should be that as presented in the United States Geological Survey (USGS) "StreamStats" computer model (developed in cooperation with DEP, FEMA, PSATS, and the SRBC) for the appropriate area of study. The available recharge waters shall compensate for withdrawal rates of existing water consumers in the recharge area and waters withdrawn by the applicant which shall be directly returned to the aquifer within the primary groundwater recharge area. Other recharge rates for similar drought conditions may be considered, provided references are presented to verify that the rates are more accurate than those presented in the "StreamStats" model which were derived in Pennsylvania from USGS compiled stream flow data as presented in a USGS publication (Stuckey, M.H., 2006, Low-flow, base-flow, and mean-flow regression equations for Pennsylvania streams: USGS Investigations Report 2006-5130, 84 p.). The allowable water withdrawal rate for the applicant's proposed operation shall not exceed 75 percent of the calculated 1 in 25-year drought condition recharge rate which

shall supply water to the withdrawal point(s) via the primary and secondary recharge areas.

- 7) Hydrogeologic Report: The report shall be submitted with the Special Exception application and shall be subject to review by the Township and its consultants. The report shall address the study area defined by a region no less than 1,000 feet beyond the outer extent of the primary recharge area which experienced water level changes in response to the withdrawal test and shall also include the secondary recharge area of the proposed water withdrawal. Maps of the study area shall be provided depicting: geology, locations of current water consumers, sites of potential adverse impact to water quality within the entire study area (on-site septic, piles etc.), monitoring sites, map of measured water level/flow decline in response to withdrawal test, potential area of water level/flow decline after 180 days of no groundwater recharge and region of primary as well secondary recharge for proposed water withdrawal point. Graphs shall be provided showing all water level/flow data measured before, during and after the withdrawal test, presented relative to a consistent level/flow versus time scale. Graphs shall be provided extrapolating water level/flow declines measured during the test for no less than 180 days into the future presuming no recharge conditions. Computer modeling shall be accepted in addition to graph extrapolation estimates, provided all modeled parameters and program details are provided to support the findings. The report shall provide findings of the withdrawal rate limitation study, presenting all data and methodology used to calculate the 1 in 25-year drought, 75 percent withdrawal rate. The report shall provide clear conclusions supporting the applicant's assurance that their proposed peak rate of water withdrawal and handling of the water and wastewater shall not exceed the calculated 1 in 25-year drought, 75 percent withdrawal rate and shall not cause significant adverse impact to the water quality and quantity of water consumers and streams in the study area. Water quality evaluation shall include the adverse effects thermal discharges to streams and the effects of nitrates discharged from all forms of farming as well as sewage treatment systems.
- c. While water is being withdrawn in the Township, the applicant should provide direct assurance, beyond the hypothetical findings presented in the Hydrogeologic Report, that withdrawal shall not significantly cause adverse impact to the water quantity and quality of neighboring consumers and surface water bodies. This shall be accomplished by performing monitoring of potential impact points in the area. Monitoring shall focus on studying trends in the data that may be indicative that a future problem may arise with a local well or water body before the problem occurs. The locations, methodology, frequency, duration and method of reporting on the monitoring program shall be prepared by the applicant's Hydrogeologist and included with the application for Special Exception and shall be subject to review by the Township and its consultants. The monitoring program should also include evidence that the applicant has notified all potentially impacted entities of intended water withdrawal operations and offered emergency contact information of persons associated with the applicant that can assist with a supply/quality problem should a concern arise. The notice should also state that the Township should also be notified of the concern.
- d. The applicant shall provide assurance that if the applicant causes a significant decline in the quantity and/or quality of neighboring water supplies, the applicant shall correct

the problem. Any approval of the application for Special Exception shall be conditioned upon a depletion agreement between the Township and the applicant to verify and address a neighbor's concern promptly and effectively to restore an adverse decline in quality and/or quantity of a neighbor's water supply and which shall include a replenishable escrow fund from the applicant to ensure that monies are available to address appropriate remedial efforts. If the applicant and Township are in disagreement over the applicant's responsibility for a neighbor's claim of hardship, the disputed terms and conditions of the replenishment agreement shall be submitted to binding arbitration utilizing a qualified arbitrator. Consideration should be made to place a time limit on the depletion agreement and monitoring program that should be of sufficient duration to allow for the operation to have adequately stressed the environment at full buildout capacity of the withdrawal process.

- e. Minimum lot area – Five acres for each 10,000 gallons per day of water withdrawal.
- f. A copy of any required permits and approvals issued by DEP, PDA and the DRBC for water withdrawal shall be submitted to the Township prior to granting of a Special Exception by the Zoning Hearing Board. It shall be accompanied by all supporting papers submitted to DEP and, if applicable, the DRBC and/or PDA. The permits and approvals shall be maintained and renewed on a current basis.
- g. The applicant shall within 48 hours of receipt also provide the Township with copies of any (1) notification of noncompliance from any regulatory agency (including DEP, PDA and DRBC) and (2) notification of resolution of noncompliance from any regulatory agency received by the applicant regarding the water withdrawal use.

31.B. Groundwater or Spring Water Withdrawal of more than 10,000 gallons per day for off-site use.

- a. The additional requirements of this subsection 31.B. shall apply to groundwater and/or spring water withdrawal involving removal of an average over any 30 day period of 10,000 gallons per day from a lot for off-site use. The regulations of this subsection shall not apply to water used by a principal agricultural use or golf course within the Township or to on-site consumption. If the water is being utilized for uses on adjacent lots or as part of a public water supply system, it shall not be considered off-site use.
- b. The applicant shall also satisfy the requirements of subsection 31.A above.
- c. If the water shall be trucked off-site, any area used for loading or unloading of trucks shall be located immediately adjacent to a State roadway and shall be setback a minimum of 500 feet from any adjacent lot that is occupied by a dwelling.
- d. Any water treatment facilities or storage of chemicals shall be setback a minimum of 500 feet from any adjacent lot that is occupied by a dwelling.
- e. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if “Food or Beverage Manufacturing” is an allowed use under Article 3.
- f. The application for Special Exception shall include a drawing to-scale showing the boundaries of the lease or property on which the water withdrawal facilities are to be located, the proposed location of the water withdrawal facilities, the location of any

roads within or abutting the lease or property, the location of occupied structures on the property and adjacent properties, and septic systems and wells within 500 feet of the subject property boundary.

- g. The application for Special Exception shall be accompanied by the name of the owner of the surface of the area of operations, the owner of the water rights, the name listed on any DEP, PDA or DRBC permits, the proposed operator, and the names of all the proposed haulers.
 - h. The application for Special Exception shall include a detailed map clearly identifying and delineating the roadways which shall be utilized by any trucks, tankers, or similar vehicles to haul or ship the withdrawn water to the corporate limits of West Penn Township. This map shall clearly indicate the name and route number of each affected roadway. The applicant shall provide a written report by a professional traffic engineer. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that shall be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic and insure the quality of life of the residents of the Township. To the extent the damage on Township roadways utilized is in excess of that caused by normal traffic, applicant shall be required to furnish a bond to guarantee the repair of such potential damages, as determined by the Township Engineer and in accordance with the Township road bonding ordinance.
 - i. The applicant shall comply with all other ordinances of the Township, including without limitation, the submission and approval of a land development plan for the applicant's operation in accordance with the SALDO.
 - j. The applicant shall comply with all regulations of DEP, PDA, DRBC and any other regulatory agency or body with jurisdiction over water withdrawal.
 - k. Any areas used for loading and unloading of water tanker trucks shall be set back a minimum of 500 feet from any adjacent residential lot.
 - l. The applicant shall provide a landscape buffer and adequate screening around any truck loading site to buffer the use from neighboring properties.
32. **Group Homes**. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- a. The use shall meet the definition in Section 1302.
 - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 - c. A Group Home shall include the housing of a maximum of 4 unrelated persons, by right and up to 6 unrelated persons by special exception, except:
 - (1) if a more restrictive requirement is established by another Township requirement;
 - (2) the number of bona fide paid professional staff shall not count towards such maximum; and

- (3) as may be approved by the Zoning Hearing Board under Section 1211.D., which allows persons to request a reasonable accommodation to the number of unrelated persons living together.
 - d. The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by a Federal, State or County human service agency, then this requirement shall have been deemed to be met. Otherwise, if any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
 - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer, and shall notify the Zoning Officer in writing within 2 business days if such licensing or certification expires or is withdrawn.
 - f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer. If this information should change, such as an intent to serve a different type of treatment/care, the applicant shall notify the Zoning Officer in writing within 2 business days.
 - g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 4 persons at one time.
 - h. If a Group Home is in a Residential District, an appearance shall be maintained that is closely similar to nearby dwellings, and no exterior sign shall identify the use.
 - i. The persons living on-site shall function as a common household unit, with persons typically residing within the home for periods exceeding 30 days.
 - j. The applicant shall notify the local ambulance and fire services in writing of the presence of the group home and the type of residents.
 - k. An off-street parking space shall be provided for the largest vehicle that serves the use, in addition to parking required by Article 11.
 - l. The building shall have lighted exit signs, emergency lighting and inter-connected smoke and fire alarms.
 - m. Note - For a use that does not meet these standards, see the requirements for Rooming Houses, Treatment Centers or Criminal Halfway Houses.
33. **Heliport.**
- a. The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
 - b. For a special exception use, the Zoning Hearing Board may place conditions on the maximum size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, the Zoning Hearing Board may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
 - c. Helicopter landings and take-offs for emergency medical purposes are not regulated by this Ordinance.
34. **Hotel or Motel.**
- a. See definitions in Section 1302, which distinguish a hotel/motel from a boarding house.
 - b. Buildings and tractor-trailer truck parking shall be kept a minimum of 50 feet from any "residential lot line."
35. **Junkyard.** (includes automobile salvage yard)

- a. Storage of garbage is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from the lot line of any dwelling and b) 50 feet from any other lot line and the existing right-of-way of any public street.
 - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 10 foot wide buffer yard which complies with Section 803. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
 - e. Burning or incineration is prohibited.
 - f. All gasoline, antifreeze and oil shall be drained from all vehicles that are stored on-site, and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - g. Lot area - 3 acres minimum; 10 acres maximum.
 - h. Tires - see the "Outdoor Storage and Display" standards in the following section.
 - i. Any storage of junk shall be maintained a minimum distance of 100 feet from the average water level of any waterway, and shall be kept out of a drainage swale.
36. **Kennel (which may include a animal shelter)**
- a. All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 250 feet from any lot line of an existing dwelling.
 - b. The applicant shall describe how outdoor runs will or will not be used during late night hours.
 - c. See State law regulating kennels.
 - d. Minimum lot area - 3 acres.
 - e. A use meeting the requirements for a Kennel may also offer “Animal Day Care” and may be combined with a Veterinary Office.
 - f. An emergency generator should be provided to ensure adequate heat for the animals.
37. **Live Work Unit.**
- a. A Live Work Unit is one building space that is used both for residential and for business space, such as for an office or an artist’s studio. The business use shall be a use that is listed as permitted by right in the Zoning District. The unit shall be treated as a dwelling unit, except for allowed signs and minimum parking requirements for the portion of the space that is used for commercial purposes that may involve non-resident employees or customer traffic.
 - b. The operator of the business in the unit shall also be a permanent resident of the unit.
38. **Livestock and Poultry, Raising of.**
- a. Minimum lot area - 1 acre, except a minimum lot area of 10 acres shall apply for a Concentrated Animal Feeding Operation (CAFO) or Concentrated Animal Operation (CAO).
 - b. Except for a CAFO or CAO use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 200 feet from a lot in

- a RR, SR or VC district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 50 feet from all other exterior lot lines.
 - c. For a CAFO or CAO use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 500 feet from a lot in a RR, SR or VC district, 2) 200 feet from an existing dwelling that is not within a residential district, and 3) 100 feet from all other exterior lot lines.
 - d. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existing prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative and where the applicant proves that the lesser distance would not be detrimental to public health or safety or create significant hazards or nuisances.
 - e. The setbacks from property lines provided in this Section for this use shall not apply from dwellings or lots owned by: 1) the operator or owner of the livestock use, or 2) affected property-owners providing a written notarized letter waiving such setback.
 - f. For a new or expanded raising of livestock or poultry use, evidence shall be provided by the operator/applicant to the Township to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
 - g. Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of any of the following: a perennial creek, a river, a public water supply reservoir, an active public central drinking water supply well, or an active intake for a public central water supply.
 - h. For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.
 - i. The following additional requirements shall apply to a CAO or CAFO use:
 - (1) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
 - (2) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances. The applicant may meet this requirement by stating that there will be compliance with specific applicable sections of the Pennsylvania Soil and Water Conservation Technical Guide as published by the U.S. Department of Agriculture and the State Department of Environmental Protection's Manure Management Manual for Environmental Protection, or their successor publications.
 - (3) The location of the facility is requested to consider prevailing wind patterns as they may affect the nearest existing dwellings.
 - (4) An area shall be provided for trucks to turn around on the property that avoids the need to back out onto a public road.
39. **Manufactured (Mobile) Homes.** The following additional requirements shall apply to a manufactured home placed on property after the adoption of this Ordinance:
- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area. Each home shall have tires removed, and any hitch shall be encased within skirting or another enclosure.

- c. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the Construction Codes shall apply, in addition to the manufacturer's specifications for installation, as well as State regulations regarding the installation.
- d. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a Manufactured (Mobile) Home Park. Provisions shall be provided for access to utility connections under the home.

40. Manufactured (Mobile) Home Park.

- a. See the requirements for Manufactured Home Park in the SR district in Article 5 of this Ordinance and in the SALDO.
- b. Access to individual manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
- c. All units within the Manufactured Home Park shall be serviced by the public sewage and central water supply systems, unless each manufactured home is on a one acre minimum land area.
- d. Buildings that are accessory to individual manufactured homes shall be allowed, provided they meet the minimum exterior setbacks provided in Article 5, and provided that they are setback a minimum of 15 feet from the home of a person who does not own the accessory building.
- e. A 20 feet wide perimeter planting area shall surrounding the Manufactured Home Park, except at approved street crossings or where plantings cannot be placed without obstructing safe sight distances. This planting area shall include a mix of trees and shrubs of various species and vegetated ground cover.
- f. The minimum tract area shall be 3 contiguous acres, which shall be under single ownership.
- g. Density - The maximum average density of the tract shall be 5 dwelling units per acre. To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100-year floodplain, wetlands and slopes over 25 percent shall not be included.
- h. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception use approval. The same area of land may count towards both the landscaped area and the building setback requirements.
- i. The following setbacks shall apply:
 - (1) A dwelling, including any attached accessory building, shall be setback a minimum of 20 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings, accessory buildings and decks may be 15 feet from the walls of another dwelling.
 - (2) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 15 feet.
 - (3) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.

- (4) A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
 - j. Each home shall comply with the requirements for “Mobile/Manufactured Homes” stated in the preceding subsection.
41. **Medical Marijuana Dispensary.**
- a. The use shall be setback a minimum of: 1) 500 feet from the property line of a primary or secondary school, child day care center, public park or playground, and 2) 250 feet from a residential district.
 - b. The use shall not have any outdoor activities, such as outdoor seating.
 - c. The use shall not be open for business beyond the maximum hours of 8 AM and 9 PM.
 - d. The use shall meet all other zoning requirements that would apply to a Retail Store.
 - e. The use shall be conducted within a completely enclosed building. The use shall prove to the Zoning Hearing Board that there will be sufficient security measures. The plan for security measures shall be offered for review by the Police Department. The Zoning Hearing Board may require fencing of up to 6 feet in height as necessary.
42. **Medical Marijuana Grower/ Processor.**
- a. The use shall prove to the Zoning Hearing Board that there will be sufficient security measures. The plan for security measures shall be offered for review by the Police Department.
 - b. The use shall be setback a minimum of: 1) 1,000 feet from the property line of a primary or secondary school or child day care center, 2) 500 feet from a public park or playground, and 3) 250 feet from a residential district or the lot line of an existing dwelling, unless the owner of that dwelling provides a written waiver.
 - c. The use also shall meet all of the same zoning requirements that would apply to a manufacturing use.
 - d. The growing, processing and harvesting shall occur within a completely enclosed building that is designed to contain odors. As a condition upon approval, the Zoning Hearing Board may require the installation of air purifiers to reduce offensive odors for neighbors. After the use begins operations, the Zoning Officer may require the installation of air purifiers if there are offensive odors for neighbors.
43. **Membership Club.**
- a. See definition in Section 1302.
 - b. Any active outdoor play areas shall be setback at least 25 feet from any abutting "residential lot line."
 - c. This use shall not include an “After Hours Club.”
44. **Mineral Extraction.**
- a. Information shall be submitted regarding the land reclamation and reuse plan of the area to be excavated.
 - b. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting a productive or beneficial future use.
 - c. The following provisions shall apply to mineral extraction involving more than 2 total acres:
 - (1) A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that

are within 200 feet of an area of excavation. The Zoning Hearing Board may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence. New trees shall not be required where preserved trees will serve the same purpose.

- (2) A 100 feet minimum setback shall apply from the excavated area to the right-of-way of a street. The following minimum setbacks shall apply for all mineral extraction and related industrial and processing activities from property that is not owned by the owner or operator of the mineral extraction use:
 - (i) 100 feet from all exterior lot lines of the property,
 - (ii) 150 feet from a non-residential principal building, unless a written waiver is provided by the owner thereof, and
 - (iii) 400 feet from the lot line of a dwelling.
- (3) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
- (4) Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
- (5) Hours of Operation. The Zoning Hearing Board, as a condition of special exception use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- (6) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

45. **Mobile/Manufactured Home.** See "Manufactured (Mobile) Home" in this Section.

46. **Motor Vehicle Race Track.**

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

47. **Nursing Home, Personal Care Home or Assisted Living Center.**

- a. Licensing - See definitions in Section 1302.
- b. A minimum of 10 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas, landscaped areas and pedestrian walkways.

48. **Outdoor Storage and Display.** The provisions listed for this use under Section 603 shall apply.
49. **Picnic Grove, Commercial.**
- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 50 feet from the lot line of an existing dwelling. The use shall not operate in a manner that is perceptible beyond the property lines between the hours of 11 p.m. and 7 a.m.
 - b. See lighting standards in Article 5.
 - c. Minimum lot area - 3 acres.
50. **Place of Worship.**
- a. Minimum lot area- 2 acres in a Residential District, unless a larger lot area is required by the applicable Zoning District. In any other District, a place of worship shall meet the normal minimum lot area for that District.
 - b. A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable District.
 - c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
 - d. A child or adult day care center shall be allowed as an accessory use, provided the requirements for that use are also met.
 - e. If the Place of Worship has a capacity of more than 500 persons in its largest room, it shall abut an arterial or collector road.
 - f. Off-street parking areas and any athletic facilities shall be set back a minimum of 25 feet from a residential lot line.
51. **Recreation, Commercial Outdoor.**
- a. All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
 - b. This term shall not include Publicly-Owned Recreation or a Motor Vehicle Racetrack.
 - c. See provisions for a non-household swimming pool in this Section.
 - d. Lighting, noise and glare control - See Article 10.
 - e. A 20 feet wide buffer yard in accordance with Section 803 shall be required adjacent to an existing dwelling on another lot.
 - f. Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20 feet wide buffer yard in accordance with Section 803 shall be required.
 - g. Any Restaurant open to the general public, Tavern, Firearms Target Range, Camp, Camp-ground, or Commercial Picnic Grove use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.
52. **Recycling Collection Center.**
- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.

- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an Industrial District.
- i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a Residential District.

53. **Residential Conversions.** See "Conversions of an Existing Building" within this Section.

54. **Restaurant.**

- a. Screening of Dumpster and Waste Containers - See Section 806.
- b. See "Drive-Through" service in Section 603.D.
- c. Drive-through service shall only be provided where specifically permitted in the applicable District regulations.
- d. This use shall not include a "Tavern" or a "Nightclub", unless the requirements for such use(s) are also met.

55. **School, Public or Private, Primary or Secondary.**

- a. Minimum lot area - 2 acres in a Residential District. In any other District, the use shall meet the standard minimum lot area requirement for that District.
- b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
- c. The use shall not include a dormitory unless specifically permitted in the District.

56. **Self-Storage Development.**

- a. Outdoor storage shall be limited to vehicles, boats and trailers. No "Junk Vehicles" shall be stored within view of a public street or a dwelling.
- b. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- c. Nothing shall be stored in interior traffic aisles or accessways that would interfere with emergency vehicle access.

- d. The use shall not include a commercial Auto Repair Garage, unless the requirements for that use are also met.
 - e. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - f. See Section 803 concerning buffer yards. In addition, any outdoor storage or storage unit doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
 - g. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
57. **Septage or Sludge Composting.** (These provisions do not regulate: 1) customary accessory composting of materials mostly generated on-site, or 2) composting of vegetation.)
- a. Any processing, loading, storage, and packaging operations must be conducted within a completely enclosed building that allows containment of all spills and runoff from the materials.
 - b. The applicant must demonstrate how the use will comply with applicable State and Federal regulations.
 - c. The use shall be screened by plantings from all roads and adjoining properties.
 - d. The use shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed or loaded/unloaded will not back up onto public roads.
 - e. All driveways onto the site must be paved for a distance of at least 100 feet from the street right-of-way line. In addition, a 50 feet long gravel section of driveway shall be placed just beyond the preceding 100 feet long paved section to help collect any mud that may have attached to a vehicle's wheels.
 - f. The unloading, processing and transfer, of septage or sludge shall be continuously supervised by a qualified facility operator.
 - g. Any leachate shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. In no event shall leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with DEP regulations.
 - h. The applicant shall submit an analysis of water needs (groundwater or surface-water) from either private or public sources, indicating the quantity of water required.
 - i. A minimum 75 feet wide buffer area shall be located along all property lines. No buildings, storage, truck parking, or any other related activity or operation shall be permitted within this buffer area. Any fencing shall be on the inside of this buffer area.
 - j. If the use will generate an average of more than 10 truck trips per day to deliver material (other than pickup trucks), the applicant shall provide an analysis of the physical conditions of the road system that will be used. The analysis shall include information on the current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall be provided by the applicant to insure safe turning movements to and from the site and within the site.
 - k. Any structure used for the storage, loading, processing and/or packaging of sludge or septage or related compost that has the potential to generate odors shall be set back at least 200 feet from all property lines and 500 feet from any residentially-zoned properties.
58. **Solid Waste Transfer Facility, Waste to Energy Facility or Solid Waste Landfill.**
- a. All solid waste storage, disposal, incineration or processing shall be at least 250 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain,

edge of a surface water body (including a water filled quarry), or wetland of more than 1/2 acre in area.

- b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing occupied dwelling that the applicant does not have an agreement to purchase. Any solid waste landfill disposal area shall be setback a minimum of 1,320 feet from any public water supply.
- c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
- e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
- f. Open dumps and open burning of refuse are prohibited.
- g. The applicant shall prove to the satisfaction of the Board of Supervisors that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets/roads in the Township.
- h. The applicant shall prove to the satisfaction of the Board of Supervisors that the use would not routinely create noxious odors off of the tract.
- i. A chainlink or other approved fence with a minimum height of 6 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Board of Supervisors that this is unnecessary. A buffer yard meeting Section 803 with plantings with an initial height of 6 feet shall be required between the use and any adjacent public street or dwelling. The Board may also require the installation of earth berms and/or shade trees as needed to reduce the visibility of landfill operations from public streets or dwellings.
- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- l. Attendant. An attendant shall be present during all periods of operation or dumping.
- m. Gates. Secure gates, fences, earth mounds, and/or dense vegetation shall prevent unauthorized access.
- n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- o. Under authority granted under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
- p. Tires. See "Outdoor Storage and Display" in Section 603.
- q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.

- r. **Dangerous Materials.** No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 - t. **State Requirements.** Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
 - u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
 - v. A professional traffic study shall be submitted with the zoning application. The traffic study shall meet the requirements of the Subdivision and Land Development Ordinance and shall identify intended truck routes into and out of the facility to reach expressways.
 - w. The facility shall have restrooms for employees and a water supply available for employee safety.
59. **Stable, Nonhousehold.** (Includes riding academies; See also "Keeping of Pets" in the following section)
- a. Minimum lot area - 2 acres.
 - b. Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
 - c. The applicant shall prepare a manure management plan, submit it to the Township (and DEP and/or the Conservation District if applicable), and comply with it. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway. Manure shall be managed in a way that does not result in polluted runoff from the property.
60. **Swimming Pool, Non-Household.**
- a. The water surface shall be setback at least 50 feet from any existing dwelling on another lot.
 - b. Minimum lot area - 2 acres.
 - c. Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting Section 803.
 - d. The water surface shall be surrounded by a secure, well-maintained fence at least 6 feet in height.
 - e. **Drainage.** A proper method shall be provided for drainage of the water from the pool that will not flood other property, destroy vegetation on other property, or harm water quality.

61. Target Range.

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

62. Temporary and/or Emergency Shelter.

- a. The applicant shall provide a written description of all conditions that will cause persons to occupy the use during the life of the permit. Any future additions to this list shall require an additional special exception use approval.
- b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- c. The Zoning Hearing Board may place conditions upon the use to protect public safety, and to minimize conflicts with nearby residents.
- d. The applicant shall describe the maximum number of residents who will be served, which may include a higher stated number on days of extreme weather.

63. Townhouses and Apartments.

- a. Maximum number of townhouses in any attached grouping - 10.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. It is strongly recommended that all Townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.

- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes at the curbside are discouraged because of potential conflicts between mail delivery and parking.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- f. Common Open Space. On a tract of more than one acre, a minimum of 15 percent of the total lot area of the development involving Townhouses and Apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.
 - (1) If a development includes over 30 dwelling units that will not be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include a rectangular grass field 50 feet by 150 feet that is suitable for free play by young persons. If all dwellings in a development will be restricted to at least one resident age 55 and older, then the common open space shall at a minimum include landscaped trails that are ADA-accessible.
 - (2) See the definition of “Open Space, Common.” Common open space under this section may be used to meet any recreation requirements under the Subdivision Ordinance, if the land would meet both ordinances.

64. Treatment Center.

- a. See definition in Section 1302. This use shall not include a Criminal Halfway House or Day Reporting Center, unless the requirements for all uses are fully met.
- b. The applicant shall provide a written description of all conditions (such as alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional conditional use approval.
- c. The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- d. The Board of Supervisors may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.

65. Veterinarian Office. (includes Animal Hospital)

- a. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- b. Animals undergoing treatment may be kept as an accessory use. Birds, rabbits, gerbils and similar animals may also be boarded. However, a commercial kennel involving healthy dogs shall only be allowed if a kennel is permitted in that District and if the applicable requirements are met.

66. Wind turbines, other than the one wind turbine per lot that is allowed as an accessory use by Section 603 (such as agricultural turbines).

- a. The wind turbine shall be setback from the nearest existing occupied dwelling on another lot a distance not less than 3 times the maximum height to the top of the

maximum sweep of the blade of the turbine, unless a written waiver is provided by the owner of such building and such waiver is recorded in the County Recorder of Deeds Office. The turbine height shall be the measured from the ground level. The setback shall be measured from the base of the turbine to the nearest part of such building. This setback shall only apply to buildings that existed prior to the application for a zoning permit.

- (1) Unless a larger setback applies under “a.” above, all wind turbines shall be set back from each lot line or street right-of-way a minimum distance equal to the total height to the top of the turbine hub, as measured from the center of the Wind turbine base, unless a written waiver is provided by the owner of such lot.
- b. No part of a wind turbine shall be located within or above the front, side or rear setback that would apply to a principal building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity. Driveways shall be removed and disturbed earth shall be re-seeded, unless the applicant requests in writing that a particular feature be maintained for a new use.
- d. The minimum height of the lowest position of the wind rotor shall be 25 feet above the ground. Wind turbines shall not be climbable for at least the first 15 feet above the ground level.
- e. The turbine and its installation shall meet applicable regulations of the Uniform Construction Code and the National Electrical Code. The turbine shall be certified by Underwriters Laboratory or an equivalent organization. Any new electrical wiring shall be underground to the maximum extended feasible.
- f. The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations, prior to receiving construction permits.
- g. Wind turbines shall be equipped with a redundant braking system to address high winds. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- h. The color of the turbine should be non-obtrusive and non-reflective, such as white, off-white or gray.
- i. Wind turbines shall meet any lighting requirements of the Federal Aviation Administration. Any other exterior lighting visible from beyond the property, other than security lighting, shall be described on the plans and be subject to approval by the Township.
- j. Wind turbines shall not display any advertising, except for a single sign of up to 5 square feet to identify the manufacturer. Safety warning signs may also be placed.
- k. At least one warning sign shall be placed near any electrical transformer or substation.
- l. If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, flags, reflective tape or similar method.
- m. The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone or similar signals and shall mitigate any harm caused by the Wind Turbine.
- n. Accessory electrical facilities are allowed, such as a transformer or mechanical buildings, provided they meet principal building setbacks.

- o. The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared or preserved. Clearing of trees shall be limited to what is necessary for the construction, operation and maintenance of the turbines.
 - p. The audible sound from the wind turbine(s) shall not exceed 45 A weighted decibels, as measured at the lot line of a occupied dwelling on another lot, unless a written waiver is provided by the owner of such building. This sound limit is a maximum, not an average.
 - q. “Land development” approval under the SALDO shall be needed for the installation of two or more wind turbines.
 - r. The maximum height above the average surrounding ground level to the top of the extended turbine blade shall be 350 feet in the EI and CI districts, 175 feet in the HC district, and 125 feet in any other district where it is allowed as a principal use, unless a lower height is required to meet other requirements of this Ordinance.
 - s. A wind turbine of more than 125 feet in height to the top of the extended blade shall have an inspection by a Professional Engineer a minimum of once every 5 years to show that the turbine remains structurally sound and is not a hazard to others. Such report shall be submitted in writing to the Zoning Officer.
 - t. A wind turbine shall not be located within 2,500 feet from the centerline of the Appalachian Trail and shall not extend over the peak of the Kittatinny Ridge.
 - u. The applicant for a wind turbine of more than 125 feet in height to the top of the extended blade shall provide an analysis of shadow flicker impacts to nearby dwellings on another lot. The wind turbine shall not be allowed if the shadow flicker will affect any dwelling on another lot for more than 20 minutes on any day or for more than 10 days per year, whichever is more restrictive.
 - v. The potential ice throw or ice shedding for a wind turbine shall not cross the property line of the lot on which the turbine(s) are located nor impinge on any right-of-way or overhead utility line.
 - w. The applicant will provide a copy of the project summary and site plan to local emergency services.
 - x. Upon request, the applicant, facility owner and/or operator shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the wind turbines.
 - y. Accessory structures and equipment associated with wind turbines shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen.
 - z. All access doors to wind turbine, including electrical equipment, outbuildings and all appurtenances thereto, shall be locked or fenced, as appropriate, to prevent entry by non-authorized personnel.
67. **Winery.** A winery shall be permitted by right if it only involves the following: routine agricultural activities, tours, production and tasting of alcoholic beverages (such as wine or cider), sale of glassware and gift baskets, sales of related books and snacks, and accessory sale of beverages that were mostly produced on-site. For an operation that involves additional activities, the provisions for “Agri-Tourism” shall apply, including in this Section 602.

603. **Additional Requirements for Uses that are Primarily Accessory Uses.**

- A. **General.** Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or special exception use are permitted by right, except as

is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance. An allowed accessory structure or use may be placed on a lot without a principal use or building, provided the accessory structure or use would be a type and scale that would be customarily accessory to an allowed principal use.

- B. Accessory Setbacks. The accessory setback requirements of the applicable District shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- C. Front Yard. No accessory structure, use or building shall be permitted in a required front yard in any District, unless specifically permitted by this Ordinance.
- D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
 - 1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high speed winds, and an antennae of greater than 25 feet high above a building shall meet the Township engineer's approval.
 - 2. Bus Passenger Shelter (for school bus students).
 - a. Bus passenger shelters shall only be allowed at a stop of a regularly scheduled school bus stop.
 - b. The location of any bus shelter shall be subject to approval by the Township.
 - c. If the bus shelter will be located within the right-of-way, approval shall be obtained from the Board of Supervisors or PennDOT, as applicable. If the bus shelter will be located outside of the right-of-way, the owner of the land shall provide written permission.
 - d. The applicant shall describe the materials that will be used to construct the bus shelter, which shall be durable and require limited maintenance.
 - e. A bus shelter may include two off-premises sign images, each with a maximum sign area of 35 square feet. The message on each sign shall not change more than once per day, and shall not be electronic or be illuminated.
 - f. A written agreement shall establish the party that will be responsible for maintaining the shelter.
 - g. A bus shelter shall not obstruct a clear sight triangle.
 - h. The Zoning Officer shall require the removal of a bus shelter within 60 days if the Zoning Officer becomes aware that the shelter is not being properly maintained or if it is no longer served by a school bus route.
 - 3. Day Care as accessory to a Dwelling.
 - a. See Articles 3 and 4 under Accessory Uses and the definitions in Section 1302 concerning the number of children who can be cared for in different Zoning Districts in a Family Day Care Home or a Group Day Care Home.

- b. The care of 4 or more children (other than children or grandchildren of the on-site caregiver) shall only be allowed where specifically permitted under Articles 3 and 4 in the applicable Zoning District.
 - c. The dwelling shall retain a residential appearance.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 4 to 12 children are cared for who are not children or grandchildren of the on-site caregiver, then a minimum of 300 square feet of exterior play area shall be available, surrounded by a 4 feet minimum height secure fence. Seven to 12 children shall not be cared for in a dwelling unit that is attached to another dwelling unit, and shall meet the zoning district requirement.
 - f. See also "Day Care Center" as a principal use in this Section. Day Care is also an allowed accessory use for a Place of Worship.
 - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Human Services registration certificate or license, if required by such agency.
 - h. Steps shall be properly secured to limit access by children.
 - i. The applicant shall describe in writing any provisions that will be made for the safe loading and unloading of children from vehicles.
4. **Drive-through Facilities.**
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
 - d. An area used for outdoor ordering by customers shall be setback a minimum of 100 feet from a dwelling on another lot. The use shall include use of acoustic barriers or controls on the volume of loudspeakers so that the loudspeaker cannot be heard from a dwelling.
5. **Farm-Based Business.** This use may be approved on an lawful existing lot with a minimum lot area of 8 acres that include a principal agricultural use.
- a. A Farm-Based Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
 - b. A Farm-Based Business shall be primarily conducted by a resident or owner of the property, his/her "relatives," but may include other employees. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Section may be leased to a non-resident for a use meeting these standards.
 - c. Buildings that existed prior to the effective date of this section may be used for a Farm-Based Business. Any new building constructed for a Farm-Based Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas constructed after the enactment of this Ordinance and used for a Farm-Based Business shall not exceed 10,000 square feet. A Farm-Based Business may also use buildings of any size that existed prior to the effective date of this Ordinance.
 - d. The Farm-Based Business shall not routinely require the overnight parking of more than 5 tractor-trailer trucks, other than trucks serving the agricultural use.

- e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
- f. The Business shall not generate noxious odors, noise, or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates noise heard by neighbors between the hours of 10 p.m. and 7 a.m.
- g. The use shall not primarily be a retail use open to the general public. This provision shall not restrict sale of agricultural products.
- h. Up to 2 signs may advertise a Farm-Related Business, which shall each have a maximum sign area of as provided in Article 7.
- i. The following activities shall be permitted by right as Farm-Related Businesses:
 - (1) farm equipment or farm vehicle repair;
 - (2) occasional repair of up to 3 motor vehicles at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard or exterior spray painting;
 - (3) welding and custom machining of parts;
 - (4) sale, processing, or mixing of seeds, feed, chemical fertilizers, or wood/leaves/bark compost;
 - (5) barber/beauty shops;
 - (6) construction tradesperson's headquarters;
 - (7) music, hobby, trade or art instruction for up to 10 persons at a time;
 - (8) small engine repair;
 - (9) custom woodworking or wood refinishing;
 - (10) custom blacksmithing or sharpening services;
 - (11) rental storage of household items, vehicles, boats and building materials;
 - (12) boarding of animals, provided that the regulations for a kennel or stable must also be met if the use meets the definition of a kennel or stable;
 - (13) custom butchering, such as for wild game or animals raised on the premises, but not including a commercial slaughterhouse or stockyard for other animals;
 - (14) processing and storage of agricultural products beyond what is a customary accessory use;
 - (15) sawmill; or
 - (16) welding.
- j. As a special exception use, the Zoning Hearing Board may approve other Farm-based businesses that are closely similar in impacts to permitted by right uses. In such case, the Board may consider the suitability of the adjacent roads for the amount and weights of truck traffic that will be generated.
- k. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
- l. If an activity would also be permitted as another use (such as Agri-Tourism or a Home Occupation), then the applicant may choose which set of provisions shall apply.
- m. The applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
- n. All renovated and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
- o. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
- p. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.

6. Farm-Based Trucking Business.

- a. Trucking operations that are customary incidental accessory uses to an on-site agricultural use are not regulated by this Section. This section involves trucking activities that involve serving both agricultural activities and general hauling.
- b. If the primary purpose of the trucks is to serve an on-site agricultural use, then the trucks may also be used for incidental commercial hauling, such as on return trips.
- c. Trucks allowed under this Section shall not be used for hauling of hazardous or toxic materials or putrescent garbage, except what may be customarily generated as part of an agricultural activity.

7. Fences and Walls.

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks, except as provided in this section. A fence shall be setback a minimum of 6 inches from the property line, unless the adjacent property owner provides written permission to the Zoning Officer to place the fence on the lot line. However, a fence for a principal commercial or industrial use shall have a minimum setback of 15 feet from the front lot line and 5 feet from the side and rear lot line, unless a larger setback is required to provide room for buffer yard plantings.
- b. No fence, wall or hedge shall obstruct the sight distance as required by Section 803.C. (Note - The sight distance provisions typically regulate features over 3 feet in height.) A fence that is 75 percent transparent may be placed in a sight distance triangle if it is 4 feet or less in height.
- c. Fences -
 - (1) Front Yard. Any fence located in the required minimum front yard of a lot in a Residential District shall not exceed 4 feet in height.
 - (i) The required minimum front yard shall mean the portion of the front yard that is within the minimum setback. For example, if a building is setback 40 feet from the street right-of-way, but the minimum setback is 25 feet, then these front yard restrictions shall only apply to the first 25 feet.
 - (ii) If a building has an existing front yard setback that is smaller than the minimum setback, then these front yard restrictions shall only apply to the existing front yard setback.
 - (iii) Fences in the front yard of a dwelling shall be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas. Mostly transparent wire mesh may be placed on the inside of such a front yard fence.
 - (iv) A fence or detached wall that is not in a residential district and that is within 15 feet from the right-of-way of a public street or a dwelling shall have a maximum height of 8 feet, except as provided in subsection (4) below.
 - (2) On a corner lot, in a Residential District, a fence or wall shall meet the same height requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling or other principal building may have a maximum height of 6.5 feet along one of the streets, other than the street that is along the front of the dwelling.

- (3) Height. A fence located in a Residential District in a location other than a required front yard shall have a maximum height of 6.5 feet.
 - (4) A taller fence height may be approved where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard (such as an electric substation or to prevent baseballs from entering into a street).
 - (5) Where buffer plantings are required by Section 803, a fence shall be located on the business side of the buffer plantings.
 - (6) Fence materials. Electrically-charged above-ground fences shall only be used to contain animals, and shall be of such low intensity that they will not permanently injure humans. Under-ground fences to contain animals are not regulated by this Ordinance. No fence or wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.
 - d. Walls -
 - (1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts. However, if a retaining wall is over 8 feet in height as viewed from a dwelling, it shall be setback a distance equal to its maximum height from a lot line of an existing dwelling.
 - (2) A wall in a Residential District shall have a maximum height of 3 feet if it is within the minimum front yard or a minimum side or rear accessory structure setback.
 - e. All fences and walls (including retaining walls) over 3 feet in height shall need a zoning permit, regardless of whether a construction permit is also needed.
8. **Food Trucks (Includes Food Trailers).**
- a. See allowances for this use in Article 3 under “Accessory Uses.” A food truck shall be allowed as an occasional accessory use to an on-site farm auction, place of worship festival or similar special event, or while visiting a construction site to serve workers. A food truck may also serve as an accessory use to a public park, in order to benefit a non-profit organization. A food truck shall not occupy a public right-of-way for a total of more than 30 minutes per day while serving food or beverages, and shall not obstruct traffic on a public road or sidewalk.
 - b. The Township Zoning Officer may authorize written temporary exceptions to these provisions during an occasional special event, parade or festival.
 - c. Beyond what is allowed as an occasional use by subsection 8.a. above, a food truck shall only be allowed if it is within the VC, HC or CI districts. In such case, the food truck shall: 1) be required to be accessory to an on-site commercial building, 2) use a lawful existing commercial driveway, and c) not be allowed on a vacant lot.
 - d. The food truck shall display a current State vehicle license and safety inspection sticker and have current vehicle registration.
 - e. Electric generators that generate noise heard inside a building and tanks of explosive substances shall not be placed within 100 feet of a dwelling.
 - f. A food truck shall only be operated on a lot with written permission of the landowner.
 - g. The food truck shall have any required health license from the State Department of Agriculture.
 - h. The food truck operator shall be required to obtain a Zoning Permit if it is operated within the Township for more than 5 total days per calendar year.
 - i. A trash can shall be provided for customer use. Any cooking grease shall be contained and not spilled upon the ground.

9. **Furnace, Outdoor.** (Such as wood-burning or coal-burning boilers and other building heating devices that are exterior to a principal building)
- a. The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
 - (1) An outdoor furnace shall be setback a minimum of 150 feet from any existing occupied building on another lot.
 - (2) The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.
 - b. The applicant shall show compliance with PA DEP regulations.
 - c. The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure, asphalt products or painted wood.
 - d. The provisions of this section are not intended to regulate burn barrels or incinerators.
- Note - West Penn Township also has a separate open burning ordinance.
10. **Garage Sale (includes Yard Sale, Moving Sale and Porch Sale).**
- a. See sign provisions in Section 705.
 - b. A garage sale in a Residential District is limited to a total of 10 total days per calendar year per dwelling unit.
11. **Gas and Oil Wells as a Principal or Accessory Use.**
- a. Gas and Oil Wells shall only be allowed where provided under Article 3.
 - b. A minimum setback of 300 feet shall be required from a Gas or Oil Well, any accompanying storage tank and any above-ground equipment from any of the following: 1) any existing dwelling on another lot, or 2) any day care center, place of worship, nursing home, hospital, personal care center, park or recreational area, or school. See setbacks from other buildings in the State Oil and Gas Act. A minimum setback of 50 feet shall be required from a Gas or Oil Well, any accompanying storage tank and all related above-ground equipment to any street right-of-way or any lot line, unless a written waiver is provided to the Zoning Officer by the principal owner of record of the adjacent lot.
 - c. A row of primarily evergreen trees shall be provided between any Gas or Oil Well and any existing dwelling on an adjacent lot.
 - d. A minimum 4 feet high security fence or architectural masonry wall shall be provided around a Gas or Oil Wellpad.
 - e. If any Gas or Oil Well or related mechanical equipment will be within 600 feet from an existing dwelling on another lot: 1) sound walls, acoustical blankets or similar measures shall be used to control noise, and 2) movement of trucks on the property shall not occur between the hours of 9 p.m. and 7 a.m., except for emergency measures.
 - f. A Zoning Permit shall be required for a Gas or Oil Well. As part of the permit application, the applicant shall provide a written description of the impacts upon roads, with an emphasis upon weight of vehicles that will be used. See bonding requirements in the Vehicle Code, the Second Class Township Code or other applicable State law.
12. **Heliport.** The provisions in Section 602 shall also apply to an accessory use.
13. **Home Occupations.**
- a. Note - There are two types of Home Occupations: “Low Impact Home Occupations” (which are typically permitted by right), and other types of Home Occupations that are named “General Home Occupations” and that often need special exception approval.

- b. All home occupations shall meet the following requirements:
- (1) The use shall only be conducted by one or more permanent residents of the dwelling, except it may also involve up to two employees who do not reside in the dwelling.
 - (2) The use may use a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be visible from the road or another dwelling.
 - (3) The use shall occupy an area that is not greater than 30 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - (4) For a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - (5) The use shall not routinely require delivery by tractor-trailer trucks.
 - (6) The regulations of Section 603.A.16. below regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - (7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - (8) A home occupation shall not be generate noise that can heard by residents of another dwelling between the hours of 10 p.m. and 6 a.m.
 - (9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - (10) A barber or beauty shop shall need special exception approval if there will be a second non-resident employees.
 - (11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - (12) A Home Occupation may include a single two square foot non-illuminated sign, as permitted in Section 703.
 - (13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - (14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles. See additional restrictions in subsection 15. below.
 - (15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
 - (16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.

- c. In addition to the requirements listed in "b." above, the following additional requirements shall apply to a "Low Impact Home Occupation:"
 - (1) The use shall not routinely involve more than 10 daily visits to the home occupation by customers.
 - (2) The use shall meet the definition of "Home Occupation, Low Impact" in Section 1302.
 - (3) A zoning permit shall not be required for a Low Impact Home Occupation.

14. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.

- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
- b. No such storage or display shall occur on areas with a slope in excess of 30% or within the 100 year floodplain, except that pre-existing parking areas can continue to be used for parking of operable motor vehicles.
- c. Screening. See Section 803.
- d. Outdoor storage of 50 or more used tires.
 - (1) This storage shall only be allowed as part of a Township-approved junkyard or tire store.
 - (2) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
 - (3) The operator of a lot involving tire storage shall conduct the use in a way that avoids retention of standing water and avoids the breeding of mosquitos. For example, holes can be cut into used tires to allow drainage and spraying can occur to minimize problem insects.

15. Pets, Keeping of.

- a. This is a permitted by right accessory use in all Districts.
- b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a Residential District, except within a secure, completely enclosed cage or fenced area of sufficient height and on a chain. Animals shall be kept on the property of the owner, except when they are on a leash.
- c. A maximum combined total of 7 dogs and cats shall be permitted to be kept by residents of each dwelling unit on a lot of less than 3 acres. Such limits shall only apply to dogs or cats over 6 months in age.
- d. Up to 5 total pigeons, chickens, ducks, geese and/or similar fowl may be kept as accessory to a dwelling on a lot of less than 2 acres, provided they are not allowed to enter roads or the property of others, and provided they are maintained in a sanitary manner that does not cause odors for occupants of other properties. Roosters shall not be kept on a lot of less than 3 acres.
- e. For animals that each average more than 200 pounds: Any animal barn, manure storage areas or stable shall be a minimum of 100 feet from any "residential lot line." A plan shall be prepared, submitted to the Township and followed for management of manure.

- f. See the definition of "Pets" in Section 1302. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
 - (1) The keeping of any "exotic wildlife" shall also comply with the Pennsylvania Game & Wildlife Code regulations. (As of 2019, such regulations were in Title 58, Chapter 147 of the PA. Code).
 - g. The keeping of cows, horses, sheep, goats, hogs and similarly sized animals shall require a minimum lot area of 2 acres. However, no minimum lot area shall apply for one animal kept as a 4-H Club project.
 - h. In addition, a maximum of one miniature pig, pygmy goat or similar animal of similar size may be kept as accessory to a dwelling.
16. **Residential Accessory Structure or Use.** (see definition in Section 1302)
- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 503, unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 503.
 - b. Height. See Section 502.A.
 - c. Parking of Commercial Trucks and Buses. The overnight outdoor parking of commercial trucks, commercial buses or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot of less than 5 acres in a Residential District is limited to the following: a) a maximum of two vehicles, with each truck having a maximum gross vehicle weight of 20,000 pounds shall be allowed, or b) a maximum of one tractor of a tractor-trailer combination, with or without the trailer, shall be allowed. Such parking shall only be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work. The parking for more than one hour per day of trucks carrying gasoline or similar hazardous or explosive materials or that are used to carry putrescent garbage is prohibited in a Residential District.
 - d. Repairs. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot. Work on motor vehicles on a residential lot shall not be conducted as a commercial business. Work on motor vehicles on a residential lot shall not include the replacement of an engine or transmission, body work, frame work, or spray painting.
 - e. See setback exceptions in Section 803.B.
 - f. Any outdoor storage of junk shall not be of an extent that causes it to meet the definition of a "Junkyard."
 - g. Vehicles and boats shall be maintained to prevent the leakage of fuels and mechanical fluids onto the ground.
 - h. A maximum of two total motor vehicles or boats shall be displayed or offered for sale on a residential lot in a Residential District.
 - i. A recreational vehicle shall not be used as a residence for more than 7 days in any 30 day period, except within an approved campground.
 - j. Trees planted on a residential property adjacent to a property that is actively being farmed shall include a sufficient setback so that the tree does not overhang over the agricultural property and obstruct agricultural equipment.
 - k. One detached carport for personal motor vehicles for a dwelling unit and that does not have structural walls shall not require a zoning permit or be required to meet minimum setbacks.

17. Retail Sales of Agricultural Products as an Accessory Use.

- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
- b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 25 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
- c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
- d. No stand shall be located closer than: 50 feet from a lot line of lot occupied by a dwelling on another lot, or within 15 feet from a street right-of-way, unless the sales occur within a building that existed prior to the adoption of this Ordinance.
- e. A maximum total of 5,000 square feet of building floor area shall be used for such use, unless a retail store is allowed in the zoning district.
- f. The retail sales shall be located on land owned or leased by the operator of the market or upon a lot that is farmed by the operator or his/her relatives.
- g. See sign provisions in Article 7.

18. Short-Term Rental of a Dwelling Unit.

- a. This provision shall apply to a rental of a dwelling unit or portions of a dwelling unit for periods of time of less than 30 days.
- b. A permanent resident of a dwelling unit may share a dwelling unit with others for any period of time, provided that: 1) the dwelling unit does not exceed the total maximum number of unrelated persons allowed based upon the definition of "Family," and 2) at least one permanent resident is currently living in the dwelling and is overseeing the rental.
- c. Where subsection b. above does not apply, portions or all of the dwelling unit may only be rented for periods of time of less than 30 days if the total time periods of all such rentals does not exceed 30 days per calendar year. Any other short-term rentals of a dwelling unit shall be regulated as a hotel or motel, and be limited to districts where such use is allowed.
- d. The following are examples of how this subsection is intended to work: 1) A permanent resident may share a dwelling with up to 3 unrelated persons for periods of time of 30 days or more; 2) While a permanent resident is away on vacation, the dwelling unit may be rented for 15 days once a year and then a maximum of another 15 days during the same year; 3) A permanent resident may rent out a bedroom to two visitors to the area every weekend, provided the permanent resident is still living in the dwelling and overseeing the rental; and 4) An entire dwelling unit may be rented for time periods of 30 days or more.

18. Swimming Pool, Household. (referred hereafter as "pool")

- a. All pools shall be fenced in compliance with the standards in the Construction Code.
- b. The water surface and any raised decking of a swimming pool shall be setback a minimum of 10 feet from side and rear lot lines.
- c. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood or damage other property.

20. Temporary Commercial Uses. See Section 1203.G.

21. Unit for Care of Relative.

- a. The use shall meet the definition in Section 1302.
- b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of a medical condition, old age or disability. A letter from a Medical Doctor shall be provided stating that such care and supervision is needed or evidence of a Social Security Disability determination shall be provided. However, health details are not required to be revealed. If a person is age 70 or older, such proof is not needed.
- c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily re-converted into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.
- d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
- e. At any time, the Zoning Officer may require that the owner of the property provide evidence that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit and is in need of such arrangement.
- f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached modular unit may be allowed if it was designed for that purpose. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet minimum side yard requirements and be placed in the rear yard, with a 20 feet minimum rear yard setback and has a maximum building floor area of 800 square feet. Any new detached building shall have a peaked or pitched roof.
- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
- h. A minimum floor area shall not apply to the Unit for Care of Relative.

22. Wind turbines, One Per Lot as Accessory Use. The provisions of this subsection 22. shall not apply to a wind turbine that is primarily intended to serve an on-site agricultural use and which has a total maximum extended height of 125 feet.

- a. All wind turbines shall be set back from any lot line a minimum distance equal to 1.5 times the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
- b. The audible sound from the wind turbine shall not exceed 45 A-weighted decibels, as measured at the lot line of an occupied dwelling on another lot, unless a written waiver is provided by the owner of such building.
- c. The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine is no longer used to generate electricity.

- d. A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of 6 feet.
- e. All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to 1.15 times the total maximum height to the top of the extended blade.
- f. The turbine shall include automatic devices to address high speed winds, such as mechanical brakes and overspeed controls.
- g. In a RR, SR or VC district, the maximum total height above the ground level to the tip of the extended blade shall be 75 feet. In other districts, the maximum height for a wind turbine approved under this section shall be 125 feet. See wind turbines in Section 602 and as allowed in Article 3 for taller turbines.
- h. New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- i. The wind turbine shall be operated in a manner that minimizes hazards from ice throw, such as controlling speeds during times of ice buildup.
- j. A wind turbine shall not be located within 2,500 feet from the centerline of the Appalachian Trail and shall not extend over the peak of the Kittatinny Ridge.

ARTICLE 7 SIGNS

701. **Purposes and Applicability.**

- A. **Purposes.** This Article is intended to: promote and maintain overall community beautification; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- B. **Permit Required.** A zoning permit shall be required for all signs of 2 square feet in sign area or larger, except for:
 - 1. signs meeting the requirements of Section 703,
 - 2. a mere change in sign message, without being converted to a digital sign,
 - 3. non-illuminated window signs, and
 - 4. an Official Sign erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance, motion or resolution, and which exists for public or historic recognition purposes.
- C. **Compliance.** Only types, sizes and heights of signs that are specifically permitted by this Article within the applicable District shall be allowed. Each sign shall comply with this Ordinance, even if a permit is not required.
- D. **Nonconforming Sign.**
 - 1. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
 - 2. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance. A non-conforming sign shall not be converted to a digital sign, unless special exception approval is granted for the change.

702. **Construction of Signs.** Every sign permitted in this section (other than temporary and window signs) shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

- A. **Wind Resistance.** A freestanding sign or off-premises sign of 100 square feet or greater in sign area or that is 30 feet in total height or greater shall need a plan sealed and signed by a Professional Engineer to certify that the sign will be safe and stable in high winds.

- B. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except for temporary Christmas season lighting.

703. **General Design and Location of Signs; Sign Definitions.**

- A. Setbacks. Signs shall not be located within the existing street right-of-way, except for allowed projecting or official signs.
- B. Sight Clearance. No sign shall be located in a way that interferes with Township or PennDOT sight clearance requirements.
- C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate.
- D. Permission of Owner. No sign shall be posted on any property unless permission has been received by the owner or entity leasing the property.
- E. Signs on Trees, Utility Poles & Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency. A sign shall not be attached to a tree, except allowed temporary signs may be attached with string.
- F. Sign Definitions. See Article 13 of this Ordinance. Miscellaneous Signs are described in Section 703.

704. **Miscellaneous and Temporary Signs Not Requiring Permits.**

- A. The following signs shall be permitted by right within all Zoning Districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI- DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON- RESI- DENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	Shall only be posted while such products are actively offered for sale.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI- DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON- RESI- DENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization, place of worship, school, or charity.	2	Total of 12 sf per lot.	Total of 50 sf per lot.	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	12 per sign	20 per sign (Or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. Shall not be illuminated.
<u>Directional or Public Services Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, availability of public conveniences, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	6, in addition to signs painted on pavement	12, in addition to signs painted on pavement	Directional signs within a residential development shall not be internally illuminated. Signs that are not readable from a lot line or street are not regulated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	Total of 12 sf per lot.	Total of 50 sf per lot.	Flags of governments and flags that simply include colors, or non- commercial art or patterns are not regulated by this Ordinance.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI- DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON- RESI- DENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	4 sf per sign	4 sf per sign	Shall be placed no more than 3 days before the event, and be removed within 24 hours after the event. Shall not be attached to utility poles with metal fasteners or trees.
<u>Home Occupation and Accessory Day Care Sign</u> - advertises a permitted home occupation or an accessory day care use.	1	2	8	Shall not be illuminated. Maximum total height of 8 feet above the ground.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1 per road frontage	2	8	Maximum total height of 8 feet above the ground.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	Total maximum of 12 sf per lot.	Total maximum of 50 sf per lot.	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 6 consecutive days.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI- DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON- RESI- DENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<p><u>Political/ Issue Sign</u>- advertises a person or party seeking political office or an opinion on a referendum, political cause or matter of public concern.</p> <p>Political signs shall not be posted on public parks or property owned by the Township, except as may be allowed on election day outside of a polling location.</p>	Maximum of 2 signs per issue or candidate per lot. If the lot abuts 2 or more roads, the total number of signs may be doubled.	Maximum of 12 s.f. per sign	Maximum of 50 s.f. per sign.	Shall be removed a max. of 7 days after an election, vote or referendum if the sign pertains to such a matter. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<p><u>Real Estate Sign</u>- advertises the availability of property on which the sign is located for sale, rent or lease.</p>	1 per road the lot abuts	12	50	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 14 days after settlement or start of lease.
<p><u>Service Organization/ Place of Worship Sign</u>- an off-premises sign stating name of a recognized incorporated service organization or place of worship and that may include information on times and dates of activities.</p>	2	12	50	Maximum of 2 such signs per such organization or place of worship.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON A "RESI- DENTIAL LOT" ** (sf)	MAX. SIGN AREA PER SIGN * ON "NON- RESI- DENTIAL LOTS"*** (sf)	OTHER REQUIREMENTS
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision.	5 per non-residential lot	Not permitted	Total of 50 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum total of 30 days per year (such as 4 times of 7 days each). Such signs shall not flash, be internally illuminated, or obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature, and which may also include any non-profit public service messages.	1	10	50	The sign shall not flash.
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	4	6	

“sf” = Square feet. “Max.” = Maximum.

* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

** For the purposes of this Section, a "Non-Residential Lot" shall mean a lot that is occupied by a principal non-residential use or that is within a Commercial or Industrial Zoning District. All other lots shall be considered to be "Residential Lots."

- B. Portable Signs on Mobile Stands or Wheels. Portable signs on mobile stands or wheels are prohibited, except as a temporary Charitable Event sign or Special Sale Sign permitted by Section 703. This is the only type of temporary sign that requires a zoning permit. The sign shall not obstruct safe sight distances at streets or driveways and shall not intrude into the street right-of-way. The Township may require the payment of a deposit, as established by a Township resolution, to ensure the removal of the sign within the time limit established by the permit. Such sign shall not have a flashing or blinking light.

705. **Height of Signs.**

- A. The maximum height of a freestanding sign in a commercial or industrial district shall be a total of 30 feet above the average surrounding ground level. Such height shall be a maximum of 15 feet in other districts. These sign heights shall apply unless otherwise stated for a particular type of sign.
- B. **Maximum Height of Wall Signs.** The maximum height of wall signs shall be 10 feet greater than the top of the roof along the wall to which they are attached.

706. **Abandoned or Outdated Signs; Removal of Signs.**

- A. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 90 days after the cessation of such use.
- B. **Unlawful Signs.** If a sign was placed without a required permit by the Township, and/or does not comply with this Ordinance, it shall be considered unlawful, and shall be required to be removed, unless it receives a permit and is brought into compliance. See the enforcement notice requirements in Section 1206. The Township may remove signs from Township owned property or a street right-of-way without any notice.

707. **Vehicles Functioning As Signs.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the District in which such vehicle, trailer or structure is located. In order for a vehicle, trailer or structure to be considered a sign, it shall have been on the lot for a period of over 30 days.

708. **Prohibited Signs.**

- A. The following prohibitions on signs shall apply in all Zoning Districts:
 - 1. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.
 - 2. Flashing, blinking or twinkling signs of any type are prohibited.
 - a. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas-season lighting or displays, within Section 703.
 - 3. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
 - 4. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
 - 5. Signs that are of such form, shape or color that they resemble an official traffic control sign, signal or device or that have any characteristics which are likely to confuse or distract

the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.

6. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
7. Balloons of greater than 50 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 are prohibited.
8. Aerial searchlights and outdoor aerial lasers for advertising purposes are prohibited.

709. **Sign Illumination; Digital Signs.**

A. Illumination of Signs. See "Light and Glare Control" in Section 1007.

B. Digital Signs.

1. Signs may change their message from time to time provided that each message is visible for a minimum of 8 seconds, except: a) time and temperature signs may change more frequently, and b) a message on a sign with a sign area of more than 200 square feet shall be visible for a minimum of 15 seconds.
2. The time interval used to change from one message to another message shall be a maximum of one second. There shall not be an appearance of a visual dissolve or fading between one message and another message.
3. Each digital sign shall include automatic controls to reduce the light intensity during nighttime hours. A digital sign shall not result in a lighting level of greater than 0.3 footcandle above normal ambient light in the vicinity.
4. The image of the sign shall not cause confusion with official traffic control devices.

710. **Off-Premise Signs (Including Billboards).**

- A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.
- B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- C. Official Signs. Signs erected and maintained by PennDOT or West Penn Township are permitted by right in all Districts. Such signs may include official directional signs to destinations.

D. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premise sign is only permitted if it meet the following requirements:

1. District. An off-premise sign is only permitted in the HC District.
2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. Maximum Total Sign Area, on Each of 2 Sides. 300 square feet. The two sides shall be arranged so that only one side is readable at one time.
4. Spacing. Any off-premise sign of more than 50 square feet of sign area shall be separated by a minimum of 500 feet from any other off-premise sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
5. Maximum Height. 40 feet above the elevation of the street or highway that the sign face is directed towards, measured at the street centerline. The bottom of such sign shall be elevated a minimum of 10 feet above the ground and be designed to be resistant to climbing by unauthorized persons.
6. Control of Lighting and Glare. See Sections 1007 and 709. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6 am.
7. Setbacks. No off-premise sign greater than 50 square feet in sign area shall be located within 200 feet from the lot line of an existing principal dwelling.
8. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.
9. This Ordinance shall not regulate the placement of “Tourist Oriented Directional Signs,” provided the signs are posted along a public street right-of-way in a manner allowed under PennDOT regulations for such signs or that are approved by the Township along a Township street. (Note – These are typically blue signs that direct motorists to various major destinations.)

711. **Freestanding, Wall and Window Signs (On-Premises Signs).**

- A. The following are the on-premises signs permitted on a lot within the specified Districts and within the following regulations, in addition to other signs specifically allowed by this Article. See definitions of the types of signs in Article 13.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM AREA OF WALL SIGNS ***	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
1. CN, AG, AC, RR and SR Districts: with signs in this table limited to allowed principal non-residential uses (such as Places of Worship). For home occupation signs, see Section 703.	40 square feet on each side of a principal building for a non-residential principal use.	Non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign on each street the lot abuts, each with a maximum sign area of 32 sq. ft. per street frontage for a non-residential principal use. See also entrance signs for major residential developments in Subsection C. below.
2. HC, LI/B, EI and CI Districts: for principal non-residential uses.	2 square feet of sign area for each linear feet of building length, on the building side on which such signs are attached.	Non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 64 sq.ft. See note * below for multiple uses. A retail gas station shall be allowed an additional 30 sq. ft. of sign area. For restaurant drive-throughs, see note **.
3. VC and any other Districts: for principal non-residential uses.	2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.	Non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 48 sf. See note * below for multiple uses.

* If a lot includes 2 or more distinct principal non-residential uses, the maximum freestanding sign area may be increased by 10 square feet for each principal non-residential use beyond the first non-residential use. For example, in the VC District, if a lot includes 3 such uses, the maximum freestanding sign area shall be 48 plus 20 equals 68 square feet.



** An allowed restaurant drive-through use may also include 2 menu boards with a maximum height of 10 feet and a maximum sign area of 64 square feet per side, provided the signs are not designed to be readable from beyond the property line.

*** A portion of the wall sign area may be used for a projecting sign, that projects perpendicular from the building wall, as seen in the example to the right.

B. Signs on Freestanding Walls. An allowed freestanding sign face may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and without the entire wall counting as sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.

C. Major Development Sign. One two-sided sign or two one-sided signs shall be allowed at up to 2 exterior street entrances to a subdivision or land development of 10 or more dwelling units or more than 5 principal business uses. Such sign area shall be a maximum of 50 square feet and may be attached to a wall that meets Section 711.B. Such signs shall not be illuminated, and shall have a maximum total height of 10 feet above the ground. The sign to the right is an example of a Major Development Sign.



712. **Measurement of Sign Area.**

A. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the combined area of all signs on that side of the sign.

B. The sign area shall not include any structural support poles or monument-style areas below the sign message.

C. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest one or two rectangle(s) or triangle(s) that includes all of the letters and symbols.

D. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.

E. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

ARTICLE 8

GENERAL REGULATIONS

801. **Frontage Onto Improved Streets, Number of Uses or Buildings, Minimum Size of Dwellings.**

A. **Frontage Required onto Improved Street.** Each proposed new lot, each land development and each proposed principal building shall have adequate vehicle access that is suitable for use by an emergency vehicle to reach a public street. Such access may be provided by a driveway or private street that is improved to serve such purpose.

1. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards, provided there are Township-approved measures to guarantee access to each dwelling from a public street.

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

1. A lot may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. However, a residential lot is limited to one dwelling unit, unless stated otherwise. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
 - a. For example, if Use One requires a 10,000 square feet lot area and Use Two on the same lot requires a 20,000 square feet lot area, then the lot shall have a minimum lot area of 20,000 square feet.
 - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
 - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

C. **Minimum Size of Dwellings.** Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor and heated floor area, which shall be primarily above the ground level. This 500 square footage may be reduced to 400 square feet for each dwelling unit that is permanently legally restricted to occupancy by at least one person age 55 and older, with no residents under age 18.

- D. Maximum Occupancy. A recreational vehicle shall not be used as a residence for more than 5 days in any 30 day period, except as may be approved within a campground. A mobile/manufactured home shall not be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling. A mobile/manufactured home shall not be used as a storage building, except as may be allowed temporarily during on-site construction under a Township construction permit.

802. Height Exceptions. See Section 502.

803. Special Lot and Yard Requirements, Sight Distance and Buffer Yards.

A. In General.

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

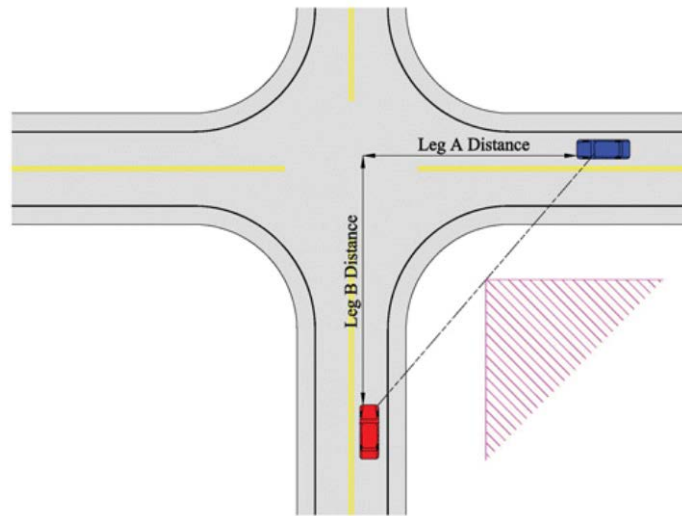
B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of "Lot, Corner" in Section 1302.
2. Projections Into Required Yards.
 - a. Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, slanted exterior doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet.
 - b. Exterior steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. For decks and porches, see Article 805.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum required building setback line may be reduced to 60 percent of the width that would otherwise be required.
4. Front Yards. See Section 504.C., which may allow a reduced front yard where adjacent buildings have smaller existing front yards.

- C. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of 3 feet and 10 feet above the ground level, except for fences that are almost entirely transparent

fences (such as chain link), utility posts, mailboxes, single sign posts less than one foot in diameter and the trunks of canopy trees. Re-grading shall also not reduce visibility within the sight clearance triangle. The triangle shall be measured along the centerline of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the centerlines of the travel lanes of a local or collector street and 150 feet along an arterial street. A third longer leg shall connect the ends of the two legs to form the triangle.

1. However, in place of the above sight triangle, where a local street intersects a collector or arterial street with a stop sign only at the local street, the leg of the triangle along the collector or arterial street in each direction shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet back from the edge of the intersecting travel lane.
2. The clear sight triangle shall be kept free of such obstructions in perpetuity.



3. For driveway sight clearance, see Section 1103.D.

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

1. A minimum 20 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot that is developed for a new principal non-residential building or principal parking lot and that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling. If the lots are separated by a street or an alley open to traffic, the lots shall not be considered to be contiguous.
 - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area

- and/or loading dock shall be increased to 40 feet, and the minimum initial height of plantings shall be increased to 5 feet.
- b. The presence of a dwelling on the same lot as a principal business use shall not by itself require the provision of a buffer yard.
 - c. Where a buffer yard will be located along a street, it shall be designed with a mix of vegetation that allows views at a 5 to 6 feet eye level into the site, for security purposes.
 - d. A Buffer Yard is also required to be provided by the following if they are abutting and visible from a public street or alley:
 - (1) Along lot lines and street or alley rights-of-way of any newly developed or expanded outdoor industrial storage or loading area, or
 - (2) Along lot lines and street or alley rights-of-way of any newly developed or expanded area routinely used for the overnight parking of 2 or more tractor-trailer trucks or trailers of tractor-trailers.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the District boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
 3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
 4. Fence. The Zoning Officer may approve the installation of a mostly solid decorative fence in addition to the plantings if the applicant provides written evidence that a landscaped buffer yard is not physically feasible along a certain property line. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
 5. Each planting screen shall meet the following requirements:
 - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 4 feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height.
 - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - d. The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
 - e. Weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form

of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

- f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
 - g. The plant screening shall primarily use evergreen trees.
 - h. Modifications. The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety or sight distance reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard and/or modify other provisions of this Section if the requirements cannot be feasibly met or if the applicant proposes an alternative that would serve the same effect.
6. Buffer Yard Plans. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
- a. the location and arrangement of each buffer yard,
 - b. the placement, general selection of species and initial size of all plant materials, and
 - c. the placement, size, materials and type of all fences to be placed in such buffer yard.

804. **Landscaping.**

- A. A minimum of 10 percent of each lot shall be landscaped in trees, shrubs and vegetative ground cover. Within a subdivision or land development, such 10 percent shall apply to the entire project, but does not need to be met for each lot, provided that the plan includes standards for each lot to assure compliance with the overall requirement. See also the buffer yard provisions in Section 803.
 - 1. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.
 - 2. Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
 - 3. The percent landscaping requirement may be partly met by landscaped areas placed within a portion of a public right-of-way if approved by the Township. For example, if there is a wide right-of-way that is not entirely needed for a sidewalk, plantings may be approved between the sidewalk and a right-of-way line.
- B. Parking Lot Trees. For each 10 new off-street parking spaces, one new deciduous shade tree shall be planted that meets the street tree requirements of Section D. below.
- C. Landscape Maintenance. All trees and other landscaping required by this Ordinance or the Subdivision and Land Development Ordinance shall be perpetually maintained by the property-owner. If any landscaping that is needed to meet an Ordinance requirement dies, is removed, or is severely damaged, it shall be replaced by the current property-owner, within a maximum of 180 days. Note - In certain cases the developer will be responsible for replacement within an initial time period under a subdivision requirement.

- D. Street Trees. Where a street tree is required to be planted by the Subdivision and Land Development Ordinance, the provisions of that Ordinance shall apply to the street trees instead of this Subsection “D.” Street trees shall be required when a new principal non-residential or multi-family apartment building is proposed, or along a new street or an extension of an existing street. Street trees are not required where the Township determines that existing healthy trees proposed to be preserved will serve the same function.
1. The applicant shall provide reference information to the Zoning Officer to show that the proposed species of required trees would be suitable for the proposed locations. Tree species shall be sturdy, attractive and resistant to disease and road salt.
 2. The Township does not regulate species of trees that are not required to be planted by this Ordinance.
 3. If more than 10 trees are required to be planted, then no more than 50 percent shall be of one species.
 4. Quality of Trees. Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated. The developer shall water trees as needed until a property is sold.
 5. Minimum Sizes and Standards. The trunk diameter (measured at a height of 4.5 feet above the finished grade level) of deciduous shade trees required by this Ordinance shall be a minimum of 2 inches.
 6. Planting and Maintenance.
 - a. Trees shall be planted in conformance with good landscaping practices.
 - b. Trees adjacent to or within parking areas shall be properly protected from damage by vehicles by raised curbs, raised earth, protective devices and/or sufficient setback.
 7. Required Number and Spacing of Street Trees. Where required, an average of one street tree shall be planted for every 50 feet of distance along the street right-of-way line on each affected side of the street. Trees shall be distributed along the length of the street, but are not required to be evenly spaced.
 8. Location of Street Trees. The trunks of required street trees shall be planted outside of but immediately adjacent to the street right-of-way, unless an alternative location is specifically approved by the Township or required by PennDOT.

805. **Non-conformities.**

- A. Proof and Registration of Non-conformities. It shall be the responsibility of a party asserting a non-conformity to provide the evidence that it is lawful. The burden of proof is upon applicant to show that a nonconformity is lawful. A property owner may request a written statement of non-conformity from the Zoning Officer after providing sufficient evidence.
- B. Continuation of Non-conformities.
1. A lawful non-conforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 2. Any expansion of, construction upon or change in use of a non-conformity shall only occur in conformance with this section.
 3. If an existing use was not lawfully established, it shall not have any right to continue as a non-conforming use.

- C. Expansion of or Construction Involving Non-conformities. The following shall apply, unless the structure is approved under Section 805.D.
1. Non-conforming Structure.
 - a. The Zoning Officer shall permit a non-conforming structure to be reconstructed or expanded provided:
 - (1) that such action will not increase the severity or amount of the non-conformity (such as the area of the building extending into the required yard) or create any new non-conformity, or
 - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance, unless allowed otherwise by this section.
 - b. In the case of a non-conforming structure which is used by a non-conforming use, any expansion shall also meet the requirements of this Section regarding non-conforming uses.
 2. Non-conforming Lots.
 - a. Permitted Construction on a Non-conforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a non-conforming lot provided all of the following additional requirements are met:
 - (1) The lot must be a lawful non-conforming lot of record;
 - (2) Minimum setback requirements shall be met, except as is allowed in subsection "c." below;
 - (3) State and Federal wetland regulations shall be met; and
 - (4) If a septic or well is used, the requirements for such shall be met.
 - b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause the lot to be considered to be a non-conforming lot.
 - c. Expansion Along a Nonconforming Setback. Where part of an existing one family dwelling has a side yard that is smaller than would normally be required, other parts of that dwelling may be expanded along that same side, provided that the building extension does not go beyond the side setback that already exists along that side.
 3. Expansion of a Non-conforming Non-Residential Use. A non-conforming use or a building used by a non-conforming use shall only be expanded if there is compliance with the following provisions:
 - a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board.
 - b. The 1) total building floor area used by a non-conforming use or the 2) total land area covered by the non-conforming use, whichever is more restrictive, shall not be increased by greater than 100 percent beyond what existed in the non-conforming use at the time the use first became non-conforming.
 - (1) The above maximum increase shall be measured in aggregate over the entire life of the non-conformity. All expansions of the non-conforming use and/or building(s) that occurred since the use originally became non-conforming shall count towards the above maximum increase. For example, a 40 percent

expansion may occur one year, followed by a 60 percent expansion in a different year.

- (2) The 100 percent maximum expansion of the total land area covered by the use shall be reduced to 10 percent for a non-conforming junkyard or scrap yard.
 - c. Any expansion of a non-conforming use shall meet the required setbacks, maximum height and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
 4. Expansion of a Non-conforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of non-conformities are created and d) a non-conformity is not made more severe.
- D. Damaged or Destroyed Non-conformities. A non-conforming structure or non-conforming use that has been destroyed or damaged may be rebuilt in a non-conforming fashion only if: a) the application for a construction permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 18 months after the construction permit is issued and continues, and c) no non-conformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- E. Abandonment of a Non-conformity.
 1. If a non-conforming use of a building or land is discontinued, razed, removed or abandoned for 24 or more months, subsequent use of such building or land shall conform with the regulations of the District in which it is located, except as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section in subsection D. above.
 2. The applicant shall be responsible to provide clear and convincing evidence that the non-conformity was not abandoned.
 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- F. Changes from One Non-conforming Use to Another.
 1. Once changed to a conforming use, a structure or land shall not revert to a non-conforming use.
 2. A non-conforming use may be changed to a different non-conforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful non-conforming retail store use to another retail store use or from one lawful non-conforming personal service use to another personal service use, provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
 3. Where special exception approval is required for a change of a non-conforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the

proposed new use will be equal or less objectionable in external effects than the pre-existing non-conforming use with regard to:

- a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.
4. A non-conforming use shall not be changed to a non-conforming Adult Use.

G. Voluntary Replacement of a Non-conforming Structure. A non-conforming structure may be partially or completely replaced with a new non-conforming structure if the following requirements are all met:

1. A building permit shall be issued within a maximum of 6 months after the building is demolished; and
2. A new non-conformity shall not be created and any existing non-conformity shall not be made more serious or increased. For example, a vehicle garage with a non-conforming setback may be replaced with a new garage with the same setback on the same side.

806. **Dumpster Screening and Location.**

- A. Site plans submitted to the Township shall show the proposed location of any garbage dumpsters.
- B. If a newly placed garbage dumpster is not stored within a building, then it shall be screened from view of any public street or dwelling by decorative masonry wall or weather-resistant solid board fence, with a mostly solid gate.

807. **Portable Storage Containers.**

- A. This section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use on the same lot.
- B. The following regulations shall apply on a principally residential lot:
 1. A portable storage container shall not be kept on a principally residential lot for a total of more than 3 months in any calendar year, unless it is being used as part of an active construction permit for the lot.
 2. A maximum of one portable storage container shall be allowed per lot. A mobile home, trailer or a portion of a vehicle shall not be used as a storage container on a residential lot.
- C. The following shall apply to any portable storage container:
 1. The container shall not obstruct safe sight distances at intersections or driveways.
 2. The container shall not obstruct travel lanes of a street or a public sidewalk, unless specifically authorized by a Township permit where there is no alternative.

3. The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Township. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
4. The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
5. A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

ARTICLE 9
FLOODPLAIN REGULATIONS (OVERLAY DISTRICT)

See the Township Floodplain Ordinance.

ARTICLE 10

ENVIRONMENTAL PROTECTION

1001. **Erosion Control.** See State erosion and sedimentation control regulations and the Subdivision and Land Development Ordinance. Compliance with State erosion and sedimentation control regulations shall be an automatic condition of any zoning permit for work that involves earth disturbance. The Zoning Officer may require that evidence of compliance with such regulations be submitted to the Township. (Note - As of 2019, State regulations generally require that a written sedimentation and erosion control plan must be prepared if 5,000 square feet or more of land area will be disturbed. If one acre or more of land will be disturbed, then that plan needs to be submitted to and found acceptable by the County Conservation District.)

1002. **Nuisances and Hazards to Public Safety.**

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

1003. **Steep Slopes.**

- A. **Purposes.** The following provisions are primarily intended to avoid erosion, sedimentation, stormwater management and winter driving hazards, in addition to serving the overall purposes of this Ordinance.
- B. **Regrading; Man-Made Slopes.** Slopes of 20 percent or greater shall not be re-graded after the adoption of this Ordinance in such a manner that circumvents the requirements of this Ordinance before submitting a zoning permit application. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.
 - 1. If areas of 20 percent or more slope are only present on less than 1,000 square feet of land area on a lot, or are only present on areas of the lot that the site plan states will not be developed or regraded, then this Section 1003 shall not apply.
 - 2. This Section 1003 shall not apply if the only proposed development involves a maximum of 500 square feet of new building footprint and a maximum of 2 new parking spaces.

- C. Lot Sizes and Steep Slopes. This Section C. shall only apply to any lot that is submitted for preliminary subdivision approval after the effective date of this Section, or which is submitted for final subdivision approval if a preliminary plan submittal was not required, if the lot contains areas with slopes of 20 percent or greater that may be disturbed. For a lot that was submitted for subdivision approval prior to the effective date of this Ordinance, the slope provisions that were in the zoning ordinance at that time shall apply.
1. Any lot proposed to be used for a building shall designate a proposed contiguous “building area” with a minimum of 3,000 square feet of land area. Such building area shall be part or all of the land areas within the proposed “building envelope” and also include an area 25 feet from all sides of the proposed building. Such building area shall contain the proposed location of the proposed building(s), but does not necessarily need to include all areas that will be disturbed for the driveway. For a non-residential principal area, the building area shall also include all areas proposed for parking or business storage areas.
 - a. If such building area for each lot includes more than 1,000 square feet of land area with a slope of 20 percent or greater slope, then the minimum lot area shall be 1.5 acre, unless a larger lot area is required by another section of this Ordinance.
 - b. If such building area for each lot includes more than 1,000 square feet of land area with a slope of 25 percent or greater slope, then the minimum lot area shall be 3 acres, unless a larger lot area is required by another section of this Ordinance.
 - c. Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. By committing to not place a principal building on slopes over 20 percent, the applicant can avoid the larger lot size requirement of this sub-section.
- D. Changes to Building Area. The “building area” may show the outer extent of areas being considered for a proposed building, without showing an exact location, provided all of those potential areas still meet the requirements of this Section. An applicant may change the proposed building area after subdivision approval is granted, provided that the applicant proves that the new building area will still comply with this Section.
- E. Site Plan and Tree Protection. If an applicant proposes to regrade, develop or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. The Township may also require that a site plan that involves grading be sent to the Township Engineer for review, with the applicant responsible to pay the cost of such review. A separate site plan is not required under this section E. if the same information was included in an approved subdivision or land development plan.
1. Site Plan. The site plan shall show:
 - a. existing and proposed lot lines,
 - b. the existing and proposed contours,
 - c. existing and proposed building locations, and the outer perimeter of the proposed “building area” as described above,
 - d. erosion and sedimentation control measures.
 - e. wooded areas to be removed or preserved, and
 - f. methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

2. This Section E. shall not apply to crop farming activity.

F. Driveway Slope. See Section 1103.D.5.

G. Erosion and Sedimentation Control. See Section 1001.

1004. **Waterway Setbacks and Wetlands.**

A. **Wetland Studies.** It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional. Where disturbance is proposed in an area that may be wetlands, the Zoning Officer may place a condition on a zoning permit to require that the applicant submit evidence that a wetland delineation has been officially confirmed under U.S. Army of Engineers-approved procedures.

1. Note – An indicator of possible wetlands involves the presence of hydric soils in soil mapping of the U.S. Natural Resources Conservation Service.

B. **Waterway Setbacks.** A minimum setback shall apply for any new building, vehicle parking area or business storage area from the top of the primary bank of a creek or river. Such setback shall be 100 feet for the Little Schuylkill River and 50 feet for the Lizard Creek and the Mahoning Creek. This subsection B. shall not by itself restrict:

1. the expansion of an existing structure or modifications to that structure, or
2. the development of water-related structures, such as docks, boat houses or swimming platforms.

1005. **Noise.**

A. No principal or accessory use, or its operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT RECEIVING THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
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LAND USE OR ZONING DISTRICT <u>RECEIVING</u> THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
1. At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 10 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 10 p.m. to 7 a.m. plus all of the following days: Sundays, Christmas, Thanksgiving, New Years, Easter Sunday, Labor Day and Memorial Day	1) 60 dBA 2) 50 dBA
2. Lot Line of a Principal Residential Use that is not in a Residential District	1) Same as above 2) Same as above	1) 65 dBA 2) 62 dBA
3. Any Lot Line other than "1." or "2."	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 9 p.m., except for clearly emergency repairs which are not restricted by time.
3. Lawnmowers, snowblowers, leaf blowers and similar equipment.
4. Household power tools between the hours of 7 a.m. and 9 p.m.
5. Agricultural activities, livestock and other animals.
6. Public celebrations authorized by Board of Supervisors, a Township Government agency, or a County, State or Federal Government agency or body.
7. Unamplified human voices.
8. Routine ringing of bells and chimes by a place of worship or municipal clock.
9. Vehicles lawfully operating on a public street, railroads and aircraft.

1006. **Odors and Dust.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not restrict customary normal agricultural operations as protected from local regulation under the State Right to Farm Law. Animal manure shall be injected or incorporated into the soil within the maximum time frame provided in the Pennsylvania Manure Management Program Technical Guide.

1007. **Control of Light and Glare.** This section shall only regulate exterior lighting that spills across lot lines or onto public streets.

- A. Street Lighting Exempted. This section shall not apply to: a) street lighting that is owned, financed or maintained by the Township or the State, or b) an individual light of less than 10 feet total height in a front yard or attached to the front of a building.
- B. Height of Lights. No luminaire that is within 150 feet of a lot line of an existing dwelling shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety or lights intended solely to illuminate an architectural feature of a building, or lighting of outdoor public recreation facilities.
- C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover and/or shielded to prevent exposed lighting elements from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- F. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by the canopy or enclosures or otherwise controlled so that lighting elements are not directly visible from another lot or street.
- G. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas), lighting fixtures shall be aimed downward and shall include cut-off measures as needed to properly direct the light.
- H. Off-Premises Signs (Billboards). Any new exterior lighting of an off-premises sign shall be attached to the top of the off-premises sign and project downward.

ARTICLE 11

OFF-STREET PARKING AND LOADING

1101. **Required Number of Off-Street Parking Spaces.**

A. **Overall Requirements and Applicability.**

1. **Number of Spaces.** Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with the Table below and the regulations of this Article 11.
2. **Uses Not Listed.** Uses that are not specifically listed in the Table below shall comply with the requirements for the most similar use listed in the Table below, unless the applicant provides suitable evidence acceptable to the Zoning Officer, based upon actual counts of peak demand at similar facilities, that an alternative standard should be used for that use.
3. **Multiple Uses.** Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use, except as provided in Section 1103.F.

TABLE OF OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
A. <u>RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit, except: 1.5 for a 2 bedroom multi-family dwelling unit and 1 per dwelling unit for a 1 bedroom or efficiency multi-family dwelling unit. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as on-street parking spaces on the same side of the street adjacent to the homes or an overflow parking lot.	
2. Home Occupation	See Section 603.C.	
3. Housing Permanently Restricted to Persons 55 Years and Older and/or the Physically Handicapped	1 per dwelling/ rental unit, except 0.5 per dwelling/ rental unit if the age limit is 62 and older	1.2 Non-Resident Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
4. Boarding House or Fraternity or Sorority House	1 per 2 adult residents	1.2 Non-Resident Employee
5. Group Home	1 per 2 adult residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<u>B. INSTITUTIONAL USES:</u> 1. Assisted Living Facility, Personal Care Home, Hospice, or Similar Retirement Community	1 per 6 beds that are not within dwelling units, plus 0.5 for each dwelling unit	1.2 Employees
2. College or University	1 per 1.5 students not living on campus who attend class at peak times, plus one space for every 3 persons living in on-campus housing (other than students forbidden from having a car in the Township).	1.2 Employees
3. Day Care Center	1 per 12 children, with spaces designed for safe and convenient drop-off and pick-up. The Township may, at its discretion, approve one or more short-term on-street parking spaces to meet this requirement.	1.2 Employees
4. Hospital	1 per 4 in-patient or out-patient beds	1.2 Employees
5. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 300 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided).	1.2 Employees
6. Nursing Home	1 per 6 beds	1.2 Employees
7. Place of Worship (includes Church)	1 per 5 seats in room of largest capacity. For pews that are not individual seats, each 50 inches shall count as one seat. An accessory Day Care Center is not required to provide additional parking.	1.2 Employees
8. School, Primary or Secondary	1 per 4 students aged 16 or older	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
9. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.2 Employees
10. Temporary Shelter	1 per 10 adult residents	1.2 Employees
11. Treatment Center	1 per 3 residents aged 16 years or older plus 1 per 2 non-residents intended to be treated on-site at peak times	Non-Resident Employee
12. Utility Facility	1 per vehicle routinely needed to service facility	
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Adult Use	1 per 50 sq. ft. of building floor area	1.2 Employees
2. Auto Service/Gas Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for "retail sales"
3. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 30 vehicles, boats, RVs or homes displayed	1.2 Employees
4. Bed and Breakfast Use	1 per rental unit plus 2 for the operator's dwelling unit	1.2 Non-resident Employee
5. Bowling Alley or Pool Hall	2 per lane plus 2 per pool table	1.2 Employees
6. Car Wash	1 space per lane for drying and/or vacuuming areas.	1.2 Employees
7. Exercise Club	1 per 300 sq. ft. of floor area accessible to customers	
8. Financial Institution (includes bank)	1 per 300 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
9. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	1.2 Employees
10. Gaming Establishment	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
11. Golf, Miniature	1/2 per hole	1.2 Employees
12. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees
13. Hotel or Motel	1 per rental unit plus 1 per 5 seats in largest meeting room (plus as required for any restaurant)	1.2 Employees
14. Laundromat	1 per 4 washing machines	On-site Employee
15. Nightclub or After-hours Club	1 per 4 persons of allowed building capacity under the Fire Code	1.2 Employees
16. Offices, primarily medical or dental	1 per 300 sq.ft. of total floor area, other than shared lobby space	1.2 Employees
17. Offices, other than above	1 per 400 sq. ft. of total floor area, other than shared lobby space	
18. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment) or Business Service Use	1 per 400 sq. ft. of floor area accessible to customers	1.2 Employees
19. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 5 persons of maximum capacity of all facilities	1.2 Employees
20. Outdoor Recreation (other than uses specifically listed in this table)	1 per 5 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
21. Restaurant or Tavern	1 per 5 seats, or 3 total spaces for a use without customer seats.	1.2 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
22. Retail Sales (other than types separately listed and other than a shopping center)	1 per 300 sq. ft. of floor area of rooms accessible to customers.	
23. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding, Floor Coverings or Similar Home Improvements	1 per 1,000 sq.ft. of floor area of rooms accessible to customers	
24. Shopping Center which includes multiple retail establishments on a lot, and which may also include restaurants.	1 per 300 square feet of total floor area, other than non-leasable space such as shared lobbies	
25. Stadium, Arena or Commercial Auditorium	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may also be counted for these uses.	1.2 Employees
26. Theater	1 per 5 seats, provided that spaces shared with other business uses that are not typically used on weekends or after 5 pm on weekdays may be also counted for these uses.	1.2 Employees
27. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employees
28. Veterinarian Office	4 per veterinarian	1.2 Employees
<u>E. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
Self-Storage Development	Two, plus room in aisles for temporary parking that allows a second vehicle to pass a parked vehicle	1.2 Employee

1102. **General Regulations for Off-Street Parking.**

- A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard, or an impediment to traffic off the lot.
- B. Existing Parking.
1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
 2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
- C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:
1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.
 2. An existing non-conforming deficit in the numbers of parking spaces can be grandfathered. For example, if an existing business would be required to provide 6 spaces and only 3 spaces are provided, and the use changes to needing 8 total spaces, then only 5 total spaces need to be provided (3 existing spaces plus 2 spaces for the change in use).
- D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this Ordinance. No required parking area or off-street loading spaces shall be used for any

other use (such as storage or display of materials) that interferes with the area's availability for parking.

E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Officer that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. The 300 feet distance may be increased to 600 feet for parking serving employees or company vehicles. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.
 - a. The Zoning Officer may require evidence at any time that shows that the parking continues to be available for the use. If such parking is not available in the future, the zoning permit shall be considered to have been revoked, unless the applicant proves that other parking is provided that meets the requirement.
 - b. This requirement may be met by a legally binding commitment by the applicant to lease a specific number of parking spaces in an accessible public parking lot or deck.

1103. Design Standards for Off-Street Parking.

A. General Requirements.

1. Backing Onto a Street. No parking area of 4 or more parking spaces shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a driveway that enters onto a local street or a parking court. Parking spaces may back onto an alley.
2. Except for spaces serving one household, every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle.
3. Parking areas shall not extend into a required buffer yard. New parking spaces shall only be allowed within a street right-of-way where they are specifically approved by the Township.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot. See landscaping provisions in Section 804.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.
6. Provisions Allowing Flexibility or Reduction of Parking Requirements.
 - a. Purposes. To minimize impervious surfaces, while ensuring adequate parking, and to recognize unique circumstances that may justify a reduction in required parking.
 - b. Reduction. The Zoning Hearing Board may permit a reduction, through the Special Exception process, of the number of parking spaces that would otherwise be required if

the Applicant proves to the satisfaction of the Board that less parking spaces are needed.

- (1) Proof. To prove that fewer parking spaces are needed, in the written application, the applicant shall provide existing and projected employment, customer, resident or other relevant data. Such data may include a study of parking at similar developments during peak periods of use.
- (2) Shared Parking. Under this Section, an Applicant may seek to prove that parking permanently shared with another use or another lot with shared internal access or another lot within 500 feet will reduce the total amount of parking needed because the uses have different peak times of parking need or overlapping customers.
 - (i) For example, an Applicant may prove that a use with peak parking needs during late evenings or weekends (such as a theater, bowling alley or place of worship) can reasonably share parking with a use with peak parking needs during daytime weekdays (such as a bank or office).
 - (ii) Reduced parking requirements for joint parking shall only continue in effect as long as such uses or their closely similar successor uses remain in operation, and shall be guaranteed by a legally binding agreement. If such agreement becomes legally ineffective, then all parking shall be provided as would otherwise be required by this Article.
- (3) Reservation of Future Parking Areas. If a reduction is permitted under this Section, the Board may require as a condition of the special exception that the lot include the reservation, permanently or for a specified number of years, of areas sufficient to otherwise meet the required number of spaces, if needed in the future.
 - (i) Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board such as a legally binding deed restriction and be officially filed with the Zoning Officer.
 - (ii) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional parking could be accomplished. Such future parking areas shall not be covered by buildings and shall be attractively landscaped unless needed for parking.
 - (iii) Such additional parking shall be required to be provided within one year after the Zoning Officer may determine it to be necessary to meet actual demand. Such determination may be made based upon field analysis by the Zoning Officer.

B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 20 feet, except: a) the minimum sized rectangle shall be 8 feet by 22 feet for parallel parking, and b) as provided for parking for persons with disabilities in Section

“G.” below. Larger parking spaces are required for persons with disabilities, as provided below.

2. All spaces shall be marked to indicate their location, except those of a one or two family dwelling, and except where stone parking may be allowed.
3. Motorcycle parking spaces may be provided with a minimum size of 9 by 9 feet. Each two motorcycle parking spaces may count as one required regular parking space, comprising up to 5 percent of the total required number of spaces.

C. Parking Aisles. The aisle width of required parking shall comply with the following table:

<u>Parking Angle (in degrees)</u>	<u>Minimum Aisle Width (in feet)*</u>
Parallel to 25	12 (except 20 feet for two-way traffic)
25 to 47	13 (one-way traffic only)
48 to 52	14 (one-way traffic only)
53 to 58	15 (one-way traffic only)
59 to 62	16 (one-way traffic only)
63 to 68	17 (one-way traffic only)
69 to 72	18 (one-way traffic only)
73 to 85	20 (one-way traffic only)
86 to 90	20 (except 24 feet for two-way traffic)

For parking at an angle of 45 degrees or greater, the minimum aisle width may be reduced one foot where the adjacent parking spaces have a width of 10 feet or greater.

Within an underground parking structure or an above-ground parking structure, the minimum aisle width may be reduced by one foot.

D. Driveways. The requirements of the West Penn Township Driveway Ordinance shall apply.

E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking areas for commercial, industrial, multi-family and institutional uses involving 4 or more spaces, off-street loading facilities and driveways serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Township.
 - a. If a residential driveway is over 100 feet long, only the first 25 feet is required to have such hard surfaces, while the remainder may be crushed stone.
 - b. Driveways limited to use by emergency vehicles are not required to be paved provided the Township Engineer approves the proposed surface.
 - c. Driveways and parking that serve public uses, public parks and public recreation areas are not required to be paved.
 - d. However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces.

For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.

- e. If the design and materials are found to be acceptable in writing by the Township Engineer, portions of parking areas may be covered with a low-dust porous pavement surface that is designed to promote groundwater recharge.

F. Lighting of Parking Areas. See "Light and Glare Control" in Section 1007.

G. Parking for Persons With Disabilities.

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

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

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.

4. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
5. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.
6. Note - A separate Township ordinance addresses placement of an individual handicapped parking space in front of a home.

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

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets, and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded vehicle parking or vehicle storage area of 4 or more parking spaces that serves a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 8 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 8 feet. This 8 feet width shall be increased to 15 feet for a lot including 30 or more parking spaces that are visible from the street.
 - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - c. The planting strip may be crossed perpendicularly by driveways.
 - d. The planting strip may consist of vegetative stormwater channels.
 - e. The following shall be prohibited within the planting strip:
 - (1) paving, except as allowed by subsection "c." above, and except for street widenings that may occur after the development is completed,
 - (2) fences, and
 - (3) parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.
 - f. Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.
3. See landscaping requirements in Section 804.

1104. Off-Street Loading.

- A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and

traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.

- B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- D. To the maximum extent feasible, tractor-trailer loading docks shall be designed so that they are buffered from view of dwellings or from adjacent streets by walls or landscaping. However, areas that are only used for short-term unloading of trucks and that do not require use of a dock are not required to be buffered.

1105. **Fire Lanes and Access.**

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

ARTICLE 12

ADMINISTRATION

1201. **Applicability of This Ordinance.** This Zoning Ordinance shall apply throughout West Penn Township. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance.
1202. **Purposes and Community Development Objectives.** This Ordinance is hereby adopted:
- A. in accordance with the requirements and purposes of the Pennsylvania Municipalities Planning Code (“the MPC”), as amended,
 - B. to carry out the following major community development objectives:
 - 1. to serve the goals and objectives of the Township Comprehensive Plan, which are hereby included by reference, and the goals of the County Comprehensive and Greenway Plan,
 - 2. to conserve environmentally sensitive lands,
 - 3. to provide compatibility between various types of and uses, and encourage compatible mixes of uses,
 - 4. to provide for a variety of residential densities and housing types,
 - 5. to direct industrial development and intensive commercial development to locations that will minimize conflicts with homes, and
 - 6. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities.
1203. **Permits and Certificates.**
- A. **Applicability.**
 - 1. Any of the following activities, or any other activity regulated by this Ordinance, shall only be carried out in conformity with this Ordinance, and shall need a zoning permit:
 - a. Erection, construction, movement, placement or extension of a structure, building or sign, including but not limited to a fence or wall that is more than 3 feet in total height,
 - b. Change in the type of use of a structure or land, or expansion of a use,
 - c. Creation of a lot or alteration of lot lines,
 - d. Creation of a new use,
 - e. Site Alterations or Mineral Extraction as defined by Section 1302, and/or
 - f. Construction of a new or relocated motor vehicle driveway onto a road, or a parking lot.
 - 2. **Zoning Permit.** A Zoning Permit indicates that a zoning application complies with this Ordinance, to the best knowledge of the applicable Township Staff.
 - a. A Zoning Permit is required to be issued prior to the start of any of the activities regulated by subsection “A.1.” above.
 - b. The Township may, at its option, issue combined or separate Construction Permits and Zoning Permits and/or may utilize a single or separate applications for such permits.
 - c. Accessory uses and structures shall also need a zoning permit, except for accessory uses that meet all of the following conditions: 1) it is permitted by right, 2) it is customarily incidental to a principal use, and 3) it does not involve a separate building.

3. Certificate of Occupancy. Prior to occupancy of a new or expanded building, or in the change of the type of use of a building, a Certificate of Occupancy may be required under the Uniform Construction Codes (UCC).
- B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure or other activity regulated by this Ordinance shall not require a Zoning Permit. (However, a Construction Permit may be needed for such work.)
- C. Types of Uses.
1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if the application meets all of the requirements of this Ordinance.
 2. Special Exception Use. This type of use requires a written approval by the Zoning Hearing Board following a hearing under Section 1216.
 3. Conditional Use. This type of use requires a written zoning approval by the Board of Supervisors under Section 1217.
- D. Applications.
1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
 2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of parking spaces. The site plan shall be drawn to scale, but is not required to be drawn by a professional. The site plan shall show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all proposed or expanded buildings from lot lines and street rights-of-way,
 - c. locations of any creeks and any 100 year floodplain that may impact the proposal,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. a north arrow and scale, and
 - f. any proposed stormwater improvements (which are not required to be shown if they will be part of a separate Township stormwater review).
 3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,
 - b. name, mailing address and daytime phone number of the applicant, and of the owner of the property if different from the applicant, and of any person (such as an attorney, contractor, architect or engineer) who might be serving as an agent for the applicant on this project, as well as email addresses if available,
 - c. if the applicant is not the landowner of record, information shall be presented with the application to demonstrate that the applicant has the legal right to make the application, such as an agreement of sale or lease or a signed letter from the landowner,,
 - d. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,

- e. all other applicable information listed on the official Township application form,
 - f. if the applicant is incorporated, the legal name and day telephone number and mailing address of at least one primary officer of the organization/corporation,
 - g. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance,
 - h. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting, with reasons why any variances are being requested,
 - i. a description with a date of any relevant zoning approvals that were previously granted for the property, and
 - j. signed acknowledgment of the application by the applicant.
4. Submittals to the Board. In addition to the information listed in parts "2." and "3." above, an application requiring a site plan and action by the Zoning Hearing Board or for a conditional use shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
- a. the present Zoning District and major applicable lot requirements,
 - b. for a non-residential use: a description of the 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,
 - c. description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"), and
 - d. name and address of person who prepared the site plan.
- E. Issuance of Permits.
- 1. Any zoning permit is issued with an automatic condition that the applicant must also meet all applicable Construction Codes. Note - certain projects are exempt from the State Construction Codes, including certain agricultural buildings.
 - 2. At least one copy of each zoning permit application and any other zoning approval shall be retained in the Township's paper or digital files.
 - 3. PennDOT Permit. Where necessary for access onto a State road or work within a State right-of-way, a Township zoning permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
 - 4. The Township may delay the final issuance of a Construction and/or Occupancy Permit until any required subdivision and land development approval has been obtained, a new lot has been recorded, and/or erosion and sedimentation control approvals have been obtained. An Occupancy Permit may be delayed under a required PennDOT Highway Occupancy Permit has been issued.
 - 5. Compliance with Subdivision and Land Development Ordinance (SALDO). If a application under this Ordinance would also be regulated by the SALDO, then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO.
- F. Revocation of Permits; Appeal of Permit or Approval.
- 1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Ordinance in case of one or more of the following:
 - a. a material false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code

provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)

- b. upon violation of any condition lawfully imposed a special exception use approval, conditional use approval, variance or subdivision or land development approval;
 - c. if any work being accomplished or a use of land or a structure is occurring in a way that does not comply with this Ordinance, a Township-approved plan or an approved application; and/or
 - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions and determinations under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code (MPC), provided that the time periods for such appeals in the MPC are met. (As of the adoption date of this Ordinance, such provisions were primarily in Sections 914.1 and 1002.A.).

G. Zoning Permit for Temporary Uses and Structures.

1. Temporary Uses.

- a. A Zoning Permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) Only an established nonprofit organization, governmental agency or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a Township-sponsored festival or Township-sponsored special event shall be eligible to receive approval for commercial-type activities in a District where a commercial use would not otherwise be permitted;
 - (2) Such total events in a residential district shall each be limited to a maximum of 10 total days per calendar year (except for activities sponsored by West Penn Township); and
 - (3) The Zoning Officer may require that the applicant prove that sufficient parking, sanitary facilities, emergency access, refuse collection, and traffic control will be available for the special event.
- b. Temporary storage and office trailers that are necessary to serve on-site construction shall be allowed, while such construction is actively underway under a valid Township permit.
- c. In addition, Christmas Tree sales shall be permitted by right in Commercial and Industrial Districts, and on property owned by the Township with permission of the Township, or as an accessory use to a Place of Worship.
- d. The Township may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling when the development is complete. Alternatively, a modular sales office may be allowed by the Township, provided it is removed completely when the development is complete.
- e. Portable Storage Containers – See Section 807.
- f. Tents shall meet setbacks that apply to accessory uses and shall not obstruct safe sight distances. Tents within residential districts shall not remain erected for no more than 20 total days per calendar year.
- g. Accessory Retail Sales of the following items that were grown by a resident of the same property are allowed in any district: fruits and their juices, vegetables and their juices, flowers, plants, herbs and spices.
- h. Garage sales are allowed as provided in Section 603.

- i. For any temporary use, the Zoning Officer may require that the applicant provide written evidence that there will be sufficient sight distances at the driveway to see on-coming traffic, unless the PennDOT highway occupancy permit process will apply.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause, and may be issued for more than one year for a recurring event.
3. Temporary Commercial Sales.
 - a. Except as may otherwise be allowed by subsection “1” above or other sections of this Ordinance, a lot shall only be used for temporary commercial sales if all of the following conditions are met:
 - (1) The property shall be located within a Zoning District that allows such use.
 - (2) No more than 5% of the off-street parking spaces that are required to serve occupied permanent uses shall be obstructed by the temporary use.
 - (3) Any signs visible from a public street shall comply with this Ordinance.
 - (4) If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
 - (5) A zoning permit shall be required from the Township, which shall be displayed while the activity is open for business.
 - (6) The use shall not obstruct safe sight distances at intersections and driveways.
 - (7) The operator shall make any area, structure, tent or vehicle used for fireworks sales or storage available for regular inspection by local police, codes and fire officials.
 - (8) Electric generators that generate noise heard inside a dwelling on another lot and tanks of explosive substances shall not be placed within 100 feet of a neighboring dwelling. This provision does not apply to emergency back-up generators.
 - b. This subsection “G.” shall not regulate temporary vendors who are authorized to operate during a Township-sponsored parade or festival.
4. Food Trucks. See Section 603.

1204. **General Procedure for Permits.**

- A. After receiving a proper and complete application for a permitted by right use that does not need SALDO approval, the Zoning Officer shall either: 1) issue the applicable permit(s) within 60 days or 2) deny the application(s) as submitted, indicating one or more reasons.
- B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance 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.

1205. **Interpretation and Uses Not Regulated.**

- A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.
- B. Uses Not Specifically Regulated. See Section 205.

- C. Interpretation of Ordinance Text and Boundaries.
1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor's Office to aid in the Zoning Officer's determination.
 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 1211.
- D. Undefined Terms/ Interpretation of Definitions. See Section 1302.
1206. **Enforcement, Violations and Penalties.** All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code (MPC), as amended are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)
- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:
1. Failure to secure a zoning permit prior to any of the following: a change in accessory or principal use of land or structure, or the erection, construction or alteration of any principal or accessory structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
 2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
 3. Undertaking any action in a manner which does not comply with a zoning permit;
 4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
 5. Violation of any condition imposed by a decision of the Board of Supervisors in granting a conditional use or other approval; or
 6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the MPC. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board. The denial of a conditional use, special exception use or variance may also be appealed to the County Court.
- D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the MPC are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)
1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement

- proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a Magisterial District Judge who determined that there has been a violation further determines that there was a good faith basis for the person violating this 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 Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township. Imprisonment is not authorized under this Ordinance.
2. **Remedies.** In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.
1207. **Fees.** A Township fee schedule for permits and applications may be established, which may be amended by ordinance or written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.
1208. **Amendments to this Ordinance.** Within the requirements of the MPC, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on: 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.
1209. **Curative Amendments.** The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)
1210. **Zoning Officer.**
- A. **Appointment.** The Zoning Officer(s) shall be appointed by a majority vote of the Board of Supervisors. The Supervisors may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer, under the direction of the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- B. **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:

1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
3. keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
4. review proposed subdivisions and land developments for compliance with this Ordinance;
5. take enforcement actions as provided by the MPC, as amended;
6. maintain available records concerning non-conformities, provided that the Township is not required to document every non-conformity; and
7. serve such other functions as are provided in this Ordinance.

1211. **Zoning Hearing Board Actions and Variances.**

- A. **Membership of Board.** The Zoning Hearing Board shall consist of 3 residents of the Township appointed by a majority vote of the Board of Supervisors. The existing terms of office of existing members shall continue. The terms of office shall be 3 years, with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township and shall not be employed by the Township in another capacity.
 1. **Alternate Members.** Board of Supervisors may appoint one, two or three alternate members of the Zoning Hearing Board, within the applicable provisions of the MPC, and who shall serve as provided in such law. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
 2. **Expenditures.** Within the maximum amount of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Board of Supervisors may by resolution authorize compensation for members and alternate members for the performance of their duties.
- B. **Vacancies.** Appointments to fill vacancies shall be only for the unexpired portion of a term.
- C. **Organization.** The applicable provisions of the MPC shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- D. **Zoning Hearing Board Jurisdiction and Functions.** The Zoning Hearing Board shall be responsible for the following:
 1. **Appeal of a Decision by the Zoning Officer.**
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 1211.
 2. **Challenge to the Validity of the Ordinance or Map.** The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
 3. **Variance.**
 - a. The Board shall hear requests for Variances filed with the Township Staff in writing on the official Township application form.

- b. Standards. The Board shall only grant a variance within the limitations of State law. As of the adoption date of this Ordinance, the MPC provided that all of the following findings must be made, where relevant:
 - (1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or District in which the property is located;
 - (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;
 - (3) Such unnecessary hardship has not been created by the appellant;
 - (4) The Variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - (5) 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.
 - c. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
 - d. A variance runs with the property, and can apply to future owners of the property. A variance applies in perpetuity, unless it is limited by a condition of the Zoning Hearing Board. A variance cannot be transferred to a different property.
4. Special Exception. See Section 1216.
- a. The Board shall hear and decide requests for all Special Exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance.
 - b. A special exception runs with the property, and can apply to future owners of the property.
5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

6. The Zoning Hearing Board shall also hear any other matters as set forth in the MPC. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- E. Time Limits for Appeals. The applicable provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- F. Stay of Proceedings. The Stay of Proceedings provisions of the MPC shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- G. Time Limits on Permits and Approvals.
 1. After a Variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and construction permits shall be secured by the applicant within 24 months after the date of such approval or authorization. The work authorized by zoning permits shall then be completed within the time period specified in construction permits. If construction permits are not required, then the work shall be completed within 24 months after issuance of a zoning permit, unless an extension is granted under subsection “b.” below.
 - a. However, if a Variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved.
 - b. The Zoning Hearing Board or Board of Supervisors may provide for a differing time period in their approval, such as to allow time for a phased project to be completed, or allow a property-owner time to complete work themselves.
 2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work under a zoning permit.
 3. If an applicant fails to obtain the necessary permits or fails to begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed rescinded by the Township.
1212. **Zoning Hearing Board Hearings and Decisions.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.
 - A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:
 1. Ad. Public Notice shall be published, as defined by Section 107 of the MPC. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered and the affected street address.
 2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. If the Township Staff does not volunteer to post the property, then the applicant shall be required to post it. The applicant shall make a good faith effort to make sure that such notice remains posted until the hearing.
 3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to: a) the Chairperson of the Supervisors and b) to the last known primary owner of each lot that is partially or entirely within 200 feet from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written

timely request for such notice. Any such notices should be provided to the last known address.

- B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- C. Decision/Findings.
 - 1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
 - 2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
 - 3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the MPC.
- D. Notice of Decision. A copy of the final decision or, where no decision is called for, of the findings, shall be provided to the applicant. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
- E. See also Section 908 of the MPC.
- 1213. Appeals to Court. The provisions for appeals to court that are stated in the MPC shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)
- 1214. Limited Public Utility Exemptions. See the provisions of the MPC. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
- 1215. Township and Municipal Authority Exemption. This Zoning Ordinance shall not apply to uses or structures owned by West Penn Township or by a municipal authority created solely by the West Penn Township for uses and structures that are intended for a municipal, water supply, sewage, stormwater, public recreation, emergency service, emergency communication, public health and safety, or similar governmental purpose.
- 1216. Special Exception Use Process.
 - A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
 - B. Special Exception Procedure.
 - 1. A Site Plan shall be submitted, which shall contain the information required in Section 1203.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 - 2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
 - 3. The Zoning Hearing Board shall follow the procedures provided in Section 1212.
 - 4. Time Limits. See Section 908 of the MPC.

- C. Consideration of Special Exception Applications. The Zoning Hearing Board shall hear and decide requests for an allowed special exception in accordance with standards established by this Ordinance, including the following:
1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 2. Compliance with Other Laws. The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable Township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, construction permit, certification of occupancy and/or recording of an approved plan.
 3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
 4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. Neighborhood. The proposed use shall not substantially negatively change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
 6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
 7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.
- D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of a construction permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

1217. **Conditional Use Process.**

- A. The procedures and standards for a conditional use shall be identical to those provided in Section 1216 for a special exception use, except that the words “Zoning Hearing Board” shall be replaced with “Board of Supervisors” and “special exception” shall be replaced with “conditional use.”

1218. **Liability.**

- A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), 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 entity or person for any damage that may result pursuant thereto.

- B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 13

DEFINITIONS

1301. **General Interpretation.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
 - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
 - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
 - D. "Sale" shall also include rental.
 - E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
 - F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
 - G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
 - H. If a term is not defined by this Ordinance, but is defined in the Township Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply. If a term is not defined by either ordinance, the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted by the Zoning Officer.
1302. **Terms Defined.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting Lot. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

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

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use. An allowed accessory structure or use may be placed on a lot without a principal use or building, provided the accessory structure or use would be a type and scale that would be customarily accessory to an allowed principal use. See Section 603.

Adjacent Lot. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons, based upon the total number of patrons in the entire use and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Store. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, video and other electronic media, periodicals, coin- or token-operated video, paraphernalia or novelties which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law.

Adult Use. This term shall mean Adult Store, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A club or commercial use that allows the entry into the premises and the consumption of alcohol by multiple members or customers within the premises after 2 AM and before 6 AM.

Agricultural Industry. A use that involves the bulk wholesale sale, storage, treatment, packaging, bottling and/or processing of agricultural products from multiple agricultural operations, such as a feed mill. The use may be combined with commercial crop storage. This term shall not include the following unless the provisions for such use is also met: a) a slaughterhouse or a tannery, b) a water extraction use for off-site non-agricultural consumption, c) industrial processing, burning or drying of sewage sludge or septage, or d) bulk composting of meat processing waste. This term also includes commercial bulk roasting of soybeans or grains for off-site distribution or use.

Alley. A vehicle thoroughfare serving 3 or more lots and which has a cartway of no more than 14 feet of pavement, and which typically provides rear or secondary access to the lots.

Alteration. As applied to a structure, a change to or rearrangement of the structural parts or exterior appearance of such structure, or any expansion thereof, whether by extension of any side or by any increase in height, or the moving of such structure from one location to another.

Amusement Park. A commercial entertainment use that includes outdoor and/or indoor rides, as well as food sales and related recreation activities, but which does include any "Adult Use."

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Animal Day Care. A commercial use that provides activities and supervision for 5 or more dogs at a time, and which may also serve other domestic animals, and which does not primarily provide overnight boarding unless the requirements are also met for a kennel.

Animal Equivalent Unit (AEU). See the definition under “Livestock or Poultry, Raising Of”.

Animal Shelter. A type of “Kennel” that serves a non-profit purpose and promotes the adoption of animals.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the Municipalities Planning Code (MPC), who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as such by the Commonwealth of Pennsylvania.

Attic. An upper level space of a building that does not meet the standards of a “story.”

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a yard. See requirements in Section 602.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but

not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 602.

Auto Service Station (or "Gas Station"). An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 602.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 602 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 602.

Billboard. See Article 7.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of "unrelated persons." A Boarding House shall not include a use that meets the definition of a Hotel, Dormitory, Motel, Personal Care Center, Bed and Breakfast Inn, Group Home or Nursing Home. A Boarding House may either involve or not involve the providing of meals to residents, but shall not include a Restaurant open to the public unless the use also meets the requirements for a restaurant. A Boarding House shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Build-to-Line. A line parallel to the street right-of-way that may be established to require a certain front building setback.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "Structure." Any Structure involving a permanent roof that is attached to a Principal Building shall be considered to be part of that Principal Building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof, except for incidental roof overhangs.

Building Height. The vertical distance from the average of the finished ground level along the front of the building to the maximum height of the highest roof surface. If there is any question about which side is the front of the building, it shall be the side that is closest to a public street. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building Permit. See “Construction Permit.”

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility.

BYOB Club. A club or commercial use that is open to customers past the hour of midnight and which involves payment of a membership fee or a cover charge for entry, and which allows customers to bring alcoholic beverages that they consume on the premises. This shall not include a use that derives more than 80 percent of its revenues from the sale of food and non-alcoholic drinks. Such use shall not be open between the hours of 2 AM. and 6 AM. Such use shall not include an Adult Use unless the requirements for an Adult Use are met.

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily seasonal, and which have a maximum impervious coverage of 15 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include accessory recreational facilities. A Recreational Vehicle Campground is a type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Occupancy. A form signed by an authorized Township official that certifies that the use of the property is in compliance with Township Ordinances, to the best knowledge of such Township official.

Change of Use. The initiation of a use that is in a different use category, as listed on the Use Table, from the existing use of the site or structure. A change of ownership, tenancy, or occupancy, or a change from one use to another within the same category on the Use Tables in Articles 3 and 4, shall not be considered a change of use.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Clear Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 602. This term shall not include a "standard antenna."

Commercial Crop Storage. A structure used for the bulk storage of agricultural crops from multiple different farming operations, as opposed to accessory crop storage. This term shall not by itself include animal manure storage.

Commercial District. The VC and HC Districts. The CI District is both a commercial and an industrial district.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use listed as a conditional use under the Tables of Allowed Uses, and which is only allowed after review by the Township Planning Commission and approval by Board of Supervisors, under Section 1217.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the

Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Construction Permit. A permit that is issued by a Township Construction or Codes Official that authorizes the completion of certain work that is authorized under the Construction Codes.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A type of retail store that includes less than 10,000 square feet of building floor area and that mainly serves ready-to-eat food and beverages for primarily off-site consumption, as well as other common household items. This use may also include an Auto Service Station if the requirements for such use are also met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See “Livestock and Poultry, Keeping Of.”

Criminal Halfway House. A use (other than a prison or a State-licensed hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house; and/or
- B. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 1306.03. When registration is required by State regulations, such use shall provide evidence to the Zoning Officer of having a certificate of registration from the applicable State agency*.

- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Section 602.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Human Services.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection.

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

DRBC. The Delaware River Basin Commission.

Drive-through Facility or Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. An improved privately-owned vehicle travel-way from a street to provide motor vehicle access to a parking area or building on a lot.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory.

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building and that meets the floor area requirements of Section 801.C.
- B. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, single family semi-detached dwelling or single family attached dwelling (townhouse), or one or more dwelling units above a commercial use. The individual dwelling units may be leased or sold for condominium ownership.
- C. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
 - 1. Mobile/Manufactured Home. For a dwelling constructed after 1976, this term shall mean a dwelling that was constructed under the Federal construction requirements for "Manufactured Housing" under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before the HUD Standards were effective, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site

complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

This term is different from a "Modular home," which arrives on a site in pieces, but which complies with the Uniform Construction Code. See standards for "Mobile/manufactured home" in Section 602.

- D. Single Family Semi-Detached Dwelling. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- E. Townhouse (or Single Family Attached Dwelling). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 602.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, an electricity generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage, civil union or adoption (including persons receiving formal foster care) or 4 or fewer unrelated individuals who maintain a common household, utilize a shared kitchen and living spaces, and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 603 residing within an approved group home, as defined herein. Through those provisions and the ability to request a reasonable accommodation under Section 1211.D., it is the Township's intent is to comply with the Federal Fair Housing Act and the Americans With Disabilities Act, as amended.

Farm-Based Trucking Business. An accessory use to a principal agricultural use that involves trucks operating from the premises for general hauling purposes in addition to agricultural purposes, and which meets the standards for such use as provided in Section 603.

FEMA. The Federal Emergency Management Agency.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, masonry block or similar materials shall be considered a "wall." See Section 603.

Floodplain. See definitions of this term and related terms in the Township Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6 feet 8 inches.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Front Yard. See “Yard, Front.”

Front Yard, Minimum. The distance from the front lot line or right-of-way line along a distance equal to the minimum front yard.

Gaming Facility, Licensed. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful “Small Games of Chance.”

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 603.

Gas Station. Shall have the same meaning as “Auto Service Station.”

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 1007.

Government Facility, Other than Township Government Facility. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by West Penn Township or an authority created solely by West Penn Township. This term shall not include uses listed separately in the Table of Allowed Uses, such as "publicly owned recreation." This term shall not include a prison.

Groundwater. Water that exists underground in saturated zones beneath the land surface.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to

the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 602, and accommodations provisions in Section 1211.D.
- * NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

Half Story. See the definition of "Story."

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 603.

- A. General Home Occupation. A Home Occupation that does not meet the definition of a Low Impact Home Occupation.
- B. Low Impact Home Occupation. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - 2. The business shall employ no more than one employee, other than family members residing in the dwelling.
 - 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - 4. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights, except for one home occupation sign allowed by Article 12.
 - 5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - 6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - 7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

8. The business may not involve any illegal activity.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable District regulations.

Industrial Districts. The EI, GI and LI/B Districts.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. For a townhouse or condominium development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse or condominium lot.

Impervious Surfaces. Areas covered by buildings, paving, concrete, vehicle parking areas, or driveways, as well as any other man-made surfaces that have a runoff coefficient of 0.6 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under this Ordinance. (Note - A different definition may apply under a Stormwater Ordinance.)

Incinerator. A structure designing for the burning of non-hazardous waste from one household in order to reduce the volume of the material, and which is not designed to provide heat.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. A motor vehicle that has been declared totaled as a result of damage, or that has the engine separated from the vehicle, or that is missing one or more tires, or is missing a door or windshield or trunk or hood or a bumper, other than vehicles that are actively under current repair.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
1. "Junk." (see definition) covering more than 3 percent of the lot area.

2. Three or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. The number 3 shall be increased to 5 or more motor vehicles on a lot of more than 10 acres. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 602.
 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Kennel. The overnight keeping of more than 15 dogs or more than 15 cats on a lot, other than animals 6 months or younger. A kennel may also include keeping of other household pets. The term “kennel” shall not include the keeping of cats as part of pest control for a principal agricultural operation.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Live Work Unit. A dwelling unit that is also allowed to be used for certain business purposes by a resident of the dwelling and which meets the standards of Section 602.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the “Keeping of Pets” section of Section 602 and beyond what is customarily accessory to a principal “crop farming” use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard involving animals from multiple different farms. Raising of fish shall be regulated separately as aquaculture.

- A. Animal Equivalent Unit. An "animal equivalent unit (AEU)" is 1,000 pounds' live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. This weight is calculated on an annualized basis. These units shall be calculated as provided under the State Nutrient Management Act regulations and accompanying standards prepared by the Penn State University Cooperative Extension Service.
1. For the purposes of measuring intensity under this zoning ordinance, AEUs shall be based upon the total acreage of one or more adjacent lots (which may be separated by a road or waterway) under common ownership, operation or lease, and are not based upon the acreage that is available for disposal of animal wastes.
- B. Concentrated Animal Feeding Operation (or CAFO). A type of raising of livestock or poultry use that meets one or more of the following standards: 1) it is a CAO with greater than 300 AEUs, 2) it is an agricultural operation with greater than 1,000 AEUs, or 3) it meets regulations of the U.S. Environmental Protection Agency as a “large CAFO.” (Note - As of 2019, such EPA regulations were in 40 CFR 122.23(b)(4).)
- C. Concentrated Animal Operation (or CAO). A type of raising of livestock or poultry use that meets both of the following criteria: 1) it includes 8 or more AEUs and 2) the animal density exceeds 2 AEUs per acre on an annualized basis.

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

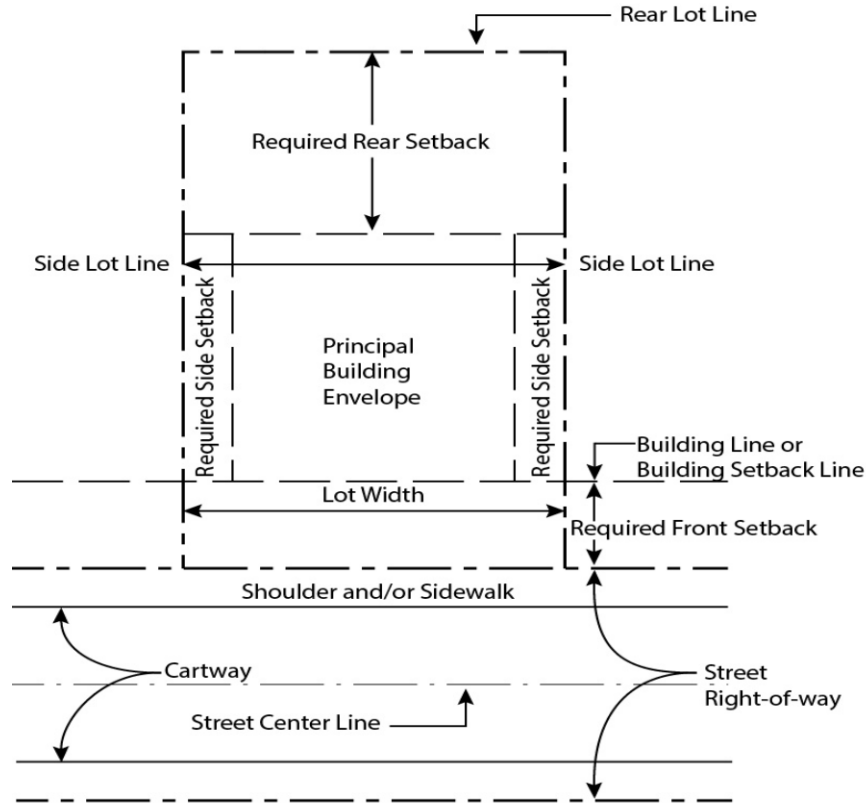
Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

Lot, Through. A lot that is adjacent to two different streets but which is not a “Corner Lot.”

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as for townhouses, may specifically permit proposed common open spaces to be included in determining density for a specific use.)



Lot Lines.

The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. **Front Lot Line (Street Line).** A lot line separating the lot from the existing or proposed street right-of-way. In the event that a pre-existing lot is not adjacent to a street, the front lot line shall be the lot line that is closest to and approximately parallel to the nearest street. For a corner lot, see Section 801.
- B. **Rear Lot Line.** Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. **Side Lot Line.** Any lot line other than a front or rear lot line.
- D. **Second Front Yard Required for a Corner Lot.** See Section 803.B.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Manure Storage Facility. A permanent structure or pond, or a portion of a structure or pond, or a group of structures or ponds at one agricultural operation, utilized for the purpose of containing manure or agricultural process wastewater. This includes concrete, metal or other fabricated tanks and underbuilding structures, as well as earthen and synthetically-lined manure ponds. This term only includes facilities that meet current applicable State regulations for manure storage facilities.

Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by the State or by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Medical Marijuana Dispensary. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the State Department of Health to dispense medical marijuana.

Medical Marijuana Grower/ Processor. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the State Department of Health to grow and process medical marijuana.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor or indoor shooting of firearms, boarding house, tavern, restaurant or retail sales, unless that particular use is allowed in that District and the requirements of that use are met.
- B. See Section 602. This term shall not include an "After Hours Club".

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral Extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile / manufactured home lots for the placement thereon of mobile / manufactured homes.

MPC or Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as amended.

Nightclub. A use that sells alcoholic beverages and meets all of the following conditions: a) it offers live or recorded music, b) it offers opportunities for dancing, c) it is open to customers after midnight, and d) it has a capacity for more than 250 customers.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the District where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.C.

Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. See Section 805.C.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 602.

Open Space, Common or Preserved. A parcel or parcels of land designed and intended for the use or enjoyment of residents of a development, but not including the following: streets, off-street parking areas (except those parking spaces necessary to serve recreation uses on the open space), sewage facilities, stormwater facilities that are not improved to serve a scenic or safe recreational purpose, and areas with a width of less than 50 feet.

Open Space Development. A type of residential development that involves lots that are smaller than would be allowed under conventional development, provided that a substantial percentage of the total land area is permanently preserved in a Township-approved form of common or preserved open space (such as land owned and maintained by a Homeowner Association).

Ordinance, This. The West Penn Township Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a principal building, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building. See the separate definition of “Incinerator.”

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

Parking Area. A land area designed and used for the parking of 3 or more motor vehicles.

PDA. The Commonwealth of Pennsylvania, Department of Agriculture.

PennDOT. The Pennsylvania Department of Transportation, or its successor.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. A Personal Care Home should be defined as “A facility which provides 24-hour supervised living arrangements for 4 or more unrelated persons 18 years of age and above which does not provide medical services, hospice services or skilled nursing services, and is licensed by the Commonwealth. See also “Assisted Living Facility.”

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, massage therapy by a certified professional, and other similar establishments, but shall not include any "adult uses."

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 603.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are incorporated as part of a non-profit organization and are operated for nonprofit and non-commercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 602.

Portable Storage Container. A receptacle which is designed to meet the following standards: a) it is intended to hold household goods and similar items, b) it is intended to be transported to various sites and then kept at each location for a temporary period of time, c) it is not designed to hold garbage, scrap metal or recyclables, d) it is not self-propelled, and e) it involves a storage capacity of 100 cubic feet or greater.

Principal Building. A "Principal Structure" which is also a "building."

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

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

PSATS. The Pennsylvania State Association of Township Supervisors.

Public Hearing. A meeting held by Board of Supervisors or the Zoning Hearing Board to meet requirements of the MPC.

Public Notice. Notice required by the MPC. (Note – As of the enactment date of this Ordinance, such definition was: “Notice published once each week for 2 successive weeks in a newspaper of general

circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.”)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Articles 3 or 4.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Articles 3 or 4, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all Zoning Districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The AC, AG, RR and SR Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than one acre, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. This use shall not include a “Tavern” or a “Nightclub” unless the requirements for such uses are also met. A restaurant may include the accessory sale of alcoholic beverages, but shall not include a use that allows the sale or consumption of alcohol between 2 AM and 6 AM. Stricter hour limits may apply in some Zoning Districts. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. “The line within a property defining the required minimum distance between any structure and the right-of-way or property line.”

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

Shadow Flicker. Alternating changes in light intensity caused by a moving wind rotor blade casting shadows on the ground and stationary objects.

Shopping Center. A lot that includes five or more retail sales and/or personal service establishments, and which may also include offices and restaurants.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising. The following definitions apply in regards to signs:

- A. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
- B. Sign Area. The square footage area on each side of a sign face, as measured under Section 1210.
- C. Sign, Externally Illuminated. A sign that only has lights shining onto the sign from the outside of the sign.
- D. Sign, Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
- E. Sign Height. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Ordinance when attached to a tower or spire of a place of worship.
- F. Sign, Internally Illuminated. A sign with a face of translucent material with artificial lighting located behind the sign face.
- G. Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.
- H. Sign, Projecting. A sign that is attached to a building wall and extends from that wall by more than 18 inches.
- I. Sign, Temporary. A sign that meets the requirements of Article 7 and that is intended to be kept in view of the public for less than 60 total days in any 365 day period, unless a more restrictive time period is provided for that type of sign in Article 7.
- J. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
- K. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solar Energy Collection System. Mechanisms used to capture the energy of the sun for use for electricity, hot water or similar purposes.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of

accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use listed as a special exception in a particular Zoning District by this Ordinance, which shall need approval from the Zoning Hearing Board, following a public hearing. A special exception use must comply with the conditions and standards of this Ordinance. See Section 1216.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

Spring water. Water which flows naturally from an aquifer to the Earth's surface or otherwise defined as a spring by the DEP.

SRBC. The Susquehanna River Basin Commission.

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6 feet 8 inches or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6 feet 8 inches shall be considered a "half-story."

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, and any other ways used or intended to be used by vehicular traffic and pedestrians, whether public or private. The term street does not include an alley or a driveway. The terms "street" and "road" have the same meaning.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, water supply wells, U.S. mailboxes, paving, and on-lot septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements, unless stated otherwise.

Subdivision. The definition in the Township Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision and Land Development Ordinance (SALDO). The Township of West Penn Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 603.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tattoo Parlor. A commercial use that applies permanent words or designs using ink on to human skin.

Tavern. A use that primarily sells alcoholic beverages, as opposed to primarily selling food, and which is regularly open to the public after midnight, and which does not allow customers to enter the premises after 2 AM or to occupy the premises after 2:30 AM. This use shall not include a "Nightclub" unless the requirements for a Nightclub are also met.

Temporary Shelter. The use of a building to house persons who would otherwise be homeless or who are seeking a refuge from domestic abuse. This use shall not include a Criminal Halfway House, unless the requirements for such use are also met.

Tire Storage, Bulk. The outdoor storage of more than 5 used motor vehicle tires on a residential lot or more than 20 used tires on a vacant or non-residential lot, except that a lawful tire retail store may include the temporary storage of used tires while they are actively offered for sale or while they are awaiting regularly scheduled pickup, without being regulated by this term. See "Outdoor Storage" in Section 603.

Townhouse. See "Dwelling Types."

Township. West Penn Township, Schuylkill County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use involving one or more of the following:

- A. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of current addiction to a controlled substance that was used in an illegal manner or alcohol.
- B. A Methadone Treatment Facility, which shall be defined as an out-patient facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons with drug addictions.
- C. A use involving the lawful sale and distribution of marijuana products for medicinal purposes.

See standards in Section 602. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center. See the modification provisions of Section 1211.D.5.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 603.

USGS. The United States Geological Survey.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission under the provisions of Articles VI and IX of the MPC by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. See Section 1211.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that Zoning District.

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

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to, an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetland. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Wind Turbine. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Yard. An area unobstructed from the ground to the sky between a structure and a property line and that is on the same lot as the subject structure or use. Each required yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each District prohibit principal and accessory structures within the specified minimum yards.

A. See yard/setback exceptions in Section 803.

B. Private Streets. For a yard measured from a private street, the distance shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front. A "yard" measured from the closest front wall of a principal structure to the street right-of-way line (as exists after the completion of any subdivision or land development). In the event that the front lot line is not a street right-of-way line, the front yard shall be measured from such front lot line. Such yard shall extend the full width of the lot from side lot line to side lot line.

A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the

predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.

- B. See Section 803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear.

- A. A "yard" which is the space extending the full width of the lot and which is measured from along the rear line and which is located between a subject structure and the rear lot line, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side.

- A. A "yard" which is the space between a subject structure and each side lot line, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yard Sale. Shall have the same meaning as “Garage Sales”, which is defined in this Section.

Zoning Map. The Official Zoning Map of West Penn Township, Schuylkill County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The West Penn Township Zoning Ordinance, as amended.

Zoning Permit. A permit issued by the Zoning Officer that allows a use, activity or improvement that is authorized under this Ordinance. At the option of the Township, a portion of a Construction Permit may be allowed to serve as a Zoning Permit.

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This index is provided as a tool, but is not intended to be an exhaustive list.

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