



TOWAMENSING TOWNSHIP

CARBON COUNTY, PENNSYLVANIA

ZONING ORDINANCE

ORDINANCE NO. 2015-3
ADOPTED MARCH 16, 2015

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ARTICLE 1

TITLE, PURPOSE, AND INTERPRETATION

SECTION 101 TITLE

This Ordinance shall be known and may be cited as "The Towamensing Township Zoning Ordinance."

SECTION 102 PURPOSE

These zoning regulations are enacted for the following purposes:

- A. To promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, and airports, the provisions of adequate light and air, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds, and other public requirements.
- B. To preserve prime agriculture and farmland considering topography, and present use, and to preserve environmentally sensitive lands.
- C. To prevent overcrowding of land, blight, danger, and congestion in travel and transportation. This Ordinance is made in accordance with an overall program, the community development objectives as set forth in the Palmerton Area Comprehensive Plan, and with consideration for the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures, and with the view to conserving the value thereof and encouraging the most appropriate use of land throughout the Township.

SECTION 103 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance is enacted in accordance with the Palmerton Area Comprehensive Plan and has been formulated to implement the purpose set forth in Section 102 above.

SECTION 104 INTERPRETATION

In interpreting and applying this Ordinance, its provisions shall be held to be minimum requirements for the promotion of health, safety and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Ordinance shall conform with all regulations for the zoning district in which it is located and to all other pertinent regulations of this Ordinance. This Ordinance is not intended to

interfere with, abrogate, annul, supersede, cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land, than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Board of Supervisors, in favor of the property owner and against any implied extension of the restriction.

SECTION 105 SCOPE

From and after the effective date of this Ordinance, no structure or land shall hereafter be changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No part of a yard, other open space, or landscaping, or off-street parking or loading space required in connection with any building or structure for the purpose of complying with this Ordinance shall be included as part of a yard, open space, landscaping, or off-street parking or loading space similarly required for any other building or structure. Except as is otherwise specifically provided herein, no yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

ARTICLE 2

DEFINITION OF TERMS

SECTION 201 RULES OF INTERPRETATION

For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application or the Latest Illustrated Book of Development Definitions (H. S. Moskowitz and C. G. Lindbloom, Rutgers, The State University of New Jersey, 2004).

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The words *shall* and *must* are mandatory and not discretionary.

SECTION 202 TERMS DEFINED

Other terms or words used herein shall be interpreted or defined as follows:

ABANDONED OR JUNKED VEHICLE - Any unregistered, unlicensed or abandoned automobile, truck, trailer, motorcycle, bus, or other motor vehicle which are partially dismantled, or wrecked or junked, or held or stored for scrap or for salvage. *Junk vehicle* shall not mean any motor vehicle classified as an antique motor vehicle by the Motor Vehicle Code of the State of Pennsylvania (75 Pa.C.S.A. § 101 et seq.); said classification consisting of any self-propelled vehicle, but not a reproduction thereof, owned and operated as an exhibition piece or collector's item, provided that such

vehicle shall have noted on its registration record the fact that it is such a special-purpose vehicle, or any self-propelled vehicle manufactured more than 25 years prior to the current year, which is used for participation in club activities, exhibits, tours, parades, occasional transportation and similar uses, but is not used for general daily transportation.

ACCESS DRIVE - An improved travelway designed and constructed to provide for vehicular movement between a street and a tract or tracts of land containing any use other than one (1) single-family dwelling unit or farm.

ACCESSORY DWELLING UNIT – A secondary dwelling unit, located on the same lot as the primary dwelling, and designed to house no more than two (2) persons, who are related family members, or employees of the owner of the primary dwelling. This shall include Elder Cottage Housing Opportunity (ECHO), “granny flats,” farm employee/tenant farm housing, or similar terms.

ACCESSORY FARM DWELLING - An accessory farm dwelling is a second dwelling having as its occupant(s) an owner or one or more full-time laborers (or any family member thereof) on the farm. Not to exceed five (5) persons.

ADDITION - An extension or increase in floor area or height of a building or structure. [See also *Alteration*]

ADULT DAY CARE CENTER - A use providing supervised care and assistance to persons who are age 16 and over who need daily assistance because of mental or physical disabilities. This use shall not include persons who could reasonably be considered a threat to the safety of others. This use may NOT involve overnight stays. The use shall involve typical stays of less than a total of sixty (60) hours per week per person. It is not a “*Group Home*” or a “*Treatment Center*”.

ADULT ARCADE - Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas. An adult arcade shall be considered an *Adult Business* for regulation by this Ordinance.

ADULT BATH HOUSE - An establishment or business that provides the services of baths of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.

ADULT BODY PAINTING STUDIO - Any establishment or business, which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when specified anatomical areas are exposed.

ADULT BOOKSTORE OR ADULT VIDEO STORE - Any establishment which, as one of its principal business purposes or as a substantial part of its business, offers for sale or rental for any form of consideration, any one or more of the following:

- A. Books, films, magazines or other periodicals or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas; or
- B. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. The term adult bookstore shall include but not be limited to an adult video store, and all such uses shall be considered an *Adult Business* for regulation by this ordinance.

ADULT BUSINESS - Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.
- C. Any of the following as defined in this Ordinance:
 - 1. Adult arcade
 - 2. Adult bathhouse
 - 3. Adult body painting studio
 - 4. Adult bookstore or adult video store

5. Adult live entertainment use or facility
6. Adult cabaret
7. Adult drive-in theater
8. Adult massage establishment
9. Adult mini motion picture theater
10. Adult model studio
11. Adult motel
12. Adult motion picture arcade
13. Adult motion picture theater
14. Adult news rack
15. Adult outcall service facility
16. Adult sexual encounter center
17. Adult theater
18. Adult video rentals and sales
19. Escort agency
20. Massage parlor
21. Nude model studio

- D. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." [See *Specified Sexual Activities* or *Specified Anatomical Areas* definitions]

ADULT CABARET - A nightclub, theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

ADULT DRIVE-IN THEATER – An establishment showing motion picture films to patrons, designed to permit patrons to remain in their automobiles or similar vehicles.

ADULT LIVE ENTERTAINMENT USE OR FACILITY - A commercial use (including, but not limited to, a use selling food or beverages) including live entertainment involving:

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

An adult live entertainment use or facility shall be considered an adult business for regulation by this Ordinance.

ADULT MASSAGE ESTABLISHMENT - Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

ADULT MINI MOTION PICTURE THEATER - An enclosed or unenclosed building with a capacity of more than five (5), but less than fifty (50), persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MODEL STUDIO - Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art," or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.

ADULT MOTEL – A hotel, motel, or similar commercial establishment which:

- A. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- B. Offers the same sleeping rooms for rent three or more times in one calendar day.

An adult motel shall be considered an adult business for regulation by this Ordinance.

ADULT MOTION PICTURE ARCADE - Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTION PICTURE THEATER - An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.

ADULT NEWS RACK - Any coin-operated machine or device, which dispenses material substantially, devoted to the depiction of specified sexual activities or specified anatomical areas.

ADULT OUTCALL SERVICE ACTIVITY - Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

ADULT SEXUAL ENCOUNTER CENTER - Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner licensed by the Commonwealth, to engage in sexual therapy.

ADULT THEATER - A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature which regularly features persons who appear in the state of nudity or live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons. An adult theater shall be considered an adult business for regulation by this ordinance.

ADULT VIDEO RENTALS AND SALES – An establishment that has a substantial or significant portion of its stock in trade, videos for rent or sale.

AGENT - Any person other than the owner who, acting for the owner, submits an application for the purpose of obtaining approval in accordance with this Ordinance.

AGRICULTURAL OPERATION - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE - The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including animal husbandry, poultry farming and dairy farming, but excluding kennels.

AGRICULTURE, INTENSIVE – Specialized agricultural activities including but not limited to mushroom, poultry and dry lot livestock production, which due to the intensity of production or raw materials storage needs, necessitate special control of operation, raw material storage and processing, and the disposal of liquid and solid wastes.

AGRITOURISM ENTERPRISE (AGRICULTURAL TOURISM) – An activity, business, or use typically or reasonably associated with or related to agriculture, farming, horticulture, silviculture, or similar practice, including, but not limited to an animal - livestock show, barn dances, Christmas tree farm, community supported agriculture / Co-ops, cider mill, corn maze, educational or recreation center, farm museum, fishing pond, game – hunting preserve, greenhouse – nursery, hay – sleigh rides, riding trail, maple syrup, orchard, pumpkin patch, animal petting farm/zoo, on-farm bakery – butcher, retail dairy, U-Pick farm, winery, wool or wood shops. The agritourism enterprise shall be operated in conjunction with an active or existing agricultural, farm, silviculture, or related activity.

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

ALL-WEATHER SURFACE - A surface consisting of bituminous pavement, concrete, or other non-erodible material.

ALTERATION, STRUCTURAL - Any enlargement of a building or structure; the moving of a building or structure from one location to another; any change in or addition to the structural parts of a building or structure; any change in the means of egress from or access to a building or structure.

AMUSEMENT / VIDEO ARCADE / POOL / BILLIARD HALL - A building or part of a building in which pinball machines, video games, or other similar player-operated amusement devices are maintained excluding the use of less than five (5) such devices accessory use to a lawful principal use.

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

ANIMAL -

A. **ANIMAL, ADULT** - an animal being six (6) months of age or older.

B. **ANIMAL, DOMESTIC** - Dogs, cats and customary small household pets. Such domestic pets shall not include farm animals, horses, or any exotic wildlife which

a permit is required under the Federal or State Game and Wildlife Code, 34 Pa. C.S. § 101 et seq., or the regulations of the PA Game Commission. Animal, Domestic is defined to include farm dogs and cats but to specifically exclude commercial dog kennels. [See also *Kennel*]

- C. ANIMAL, EXOTIC - Members of the family Felidae except those species commonly called house cats and members of the family Canidae except those licensed by the Pennsylvania Department of Agriculture. Exotic animals shall also include all non-native animals, but excepting small animals and birds customarily kept as house pets.
- D. ANIMAL, FARM - Any member of the avian, bovine, equine, porcine, ovine, and piscine species, including but not limited to poultry, fowl, cows, steers, horses, ponies, pigs, sheep, goats and fish. Animal, Farm is defined to specifically exclude farm dogs. [See also *Livestock*]
- E. ANIMAL, WILD - All animals falling into one of the following categories as defined by Title 34 of the Pennsylvania Game and Wildlife Code:
 - 1. Big Game - Elk, deer, bear and wild turkey.
 - 2. Furbearer - Badger, fisher, mink, muskrat, opossum, otter, pine marten, striped and spotted skunk, beaver, raccoon, all weasels, red and gray foxes, and bobcat.
 - 3. Game Animals - Elk, deer, bear, cottontail, snowshoe hare, red, gray and fox squirrels.
 - 4. Game Birds - Geese, brant, wild ducks, mergansers and swans, coots, gallinules, rails, snipe, woodcock, turkeys, grouse, pheasants, Hungarian partridges, bobwhite quail, and mourning doves.

ANIMAL HOSPITAL - Any establishment offering veterinary services. Animal hospitals can treat all types of animals and can include overnight boarding of animals. [See also *Veterinary Facility*]

ANIMAL HUSBANDRY - The raising, breeding, keeping or care of farm animals, livestock or insects for meat by-products or other utility, which is intended as a business, gainful occupation, or home use.

ANIMAL SHELTER - A facility used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated, or maintained by a public body, established humane society, animal welfare society (such as the Society for the Prevention of Cruelty to Animals), or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

ANTIQUE MARKET – [See *Flea Market*]

APARTMENT - A dwelling unit, which is either accessory to a principal use or one of three or more dwelling units in an apartment building, and which provides separate, independent living, and sanitary facilities for one (1) family or individual, including provisions for cooking and sleeping. Where such a unit contains no specific bedroom area, it shall be deemed an efficiency apartment and regulated as all other apartment dwelling units.

- A. ACCESSORY APARTMENT - A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building.
- B. CONVERSION APARTMENT - The adaptation of one single-family detached dwelling to two (2) or more dwelling units.

APARTMENT BUILDING - A building consisting of three (3) or more dwelling units.

AQUACULTURE - The controlled cultivation of aquatic plant and animal species.

ARCHERY RANGE INDOOR - Any area within a fully enclosed building used for the shooting of arrows for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association. Considered a *Recreation Facility, Commercial Indoor* for regulation by this Ordinance.

ARCHERY RANGE OUTDOOR - Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association. Considered a *Recreation Facility, Commercial Outdoor* for regulation by this Ordinance.

ATTIC – The unfinished space between the ceiling assembly of the top story and the roof assembly. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer or gable end windows, an average ceiling height of five (5) feet or more, and a permanent stationary interior access stairway to a lower building story.

AWNING OR CANOPY - An overhanging projection or covering, usually supported on poles, and made of canvas, fabric, plastic or other materials.

BASEMENT - An enclosed floor area partly or wholly below the finished grade with at least one-half (0.5) of its floor-to- finished height above the average level of the adjoining finished grade, and with a floor-to-ceiling height of not less than six and one-half (6.5) feet. A basement shall be counted as a story for the purpose of the building

height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet and/or if it used for business or dwelling occupancy or storage purposes and not solely for heating, mechanical and similar equipment. [See also *Cellar*]

BED AND BREAKFAST ESTABLISHMENT - An owner-occupied single-family dwelling containing sleeping rooms available for transient guests, subject to the conditions of this Ordinance. Food served to bed and breakfast guests on the premises shall be limited to breakfast only.

BED AND BREAKFAST UNIT - A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

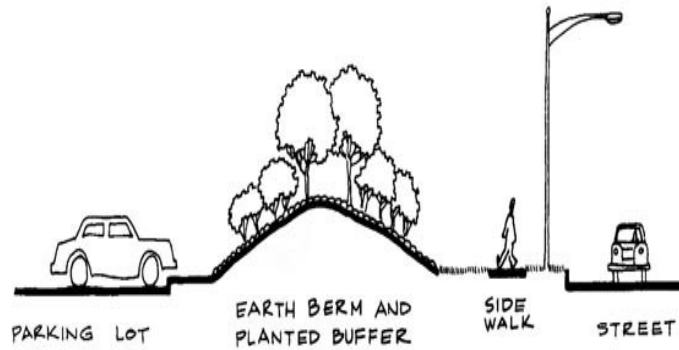
BOARD OF SUPERVISORS – Board of Supervisors of the Township of Towamensing, Carbon County, Pennsylvania.

BOARDING HOUSE (ROOMING HOUSE) - A residential building that contains the primary residence (where mail is received) of the owner(s)/manager(s) and his family as well as long term housing for a maximum of twelve (12) additional persons. There shall be a maximum number of four (4) persons but no more than 2 adults per room. At least one (1) full bath shall be provided for use by the guests for every two (2) rental rooms. No provisions for cooking shall be allowed in any rooming unit; however, congregate meals may be provided to residents where meals are served family style rather than by ordering individual portions from a menu.

BREWERY - A facility for the production and packaging of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces fifteen thousand (15,000) gallons or more of malt beverages per year. Considered manufacturing for regulation by this Ordinance. [See also *Microbrewery*]

BREW PUB -A restaurant or tavern, as defined herein, that includes as an accessory use the brewing of malt beverages of alcoholic and/or non-alcoholic content which produces less than fifteen thousand (15,000) gallons of malt beverages per year. Considered a tavern for regulation by this Ordinance. [See also *Microbrewery*]

BUFFER AREA/YARD - A landscaped area intended to be used as means of limiting the effects created by a use on adjoining properties, streets and uses.



BUILDING – A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and modular homes to be used for human habitation.

- A. **DETACHED** - A building which has no party wall.
- B. **SEMI-DETACHED** - A building which has only one party wall in common.
- C. **ATTACHED** - A building that has two or more party walls in common.

BUILDING, ACCESSORY - A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. This definition does not apply to agricultural applications.

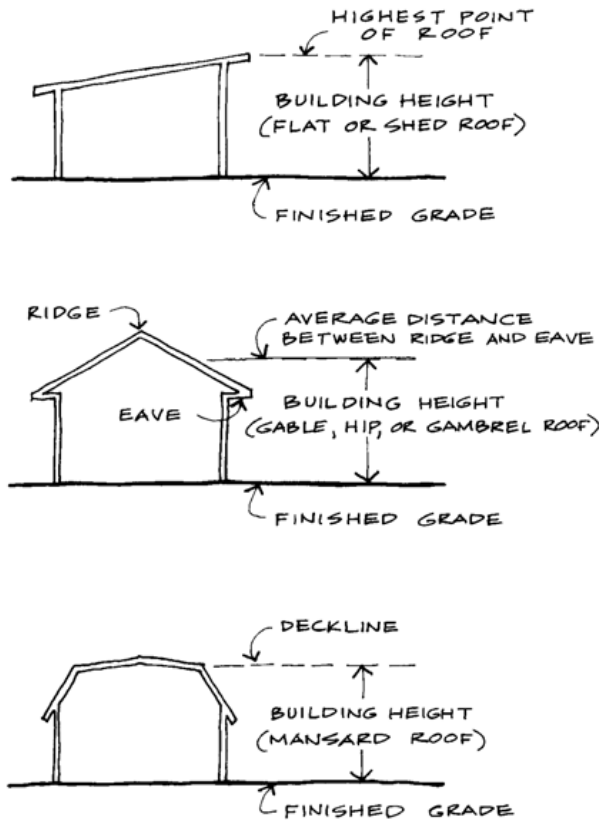
BUILDING, AGRICULTURAL ACCESSORY - A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural products or produce grown or raised on the premises.

BUILDING, PRINCIPAL - A building in which or from which the principal use of the lot is conducted.

BUILDING AREA - The total of areas taken on a horizontal plane at the average grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

BUILDING COVERAGE – The percentage of the area of the lot covered by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures including covered porches, carports and breeze ways.

BUILDING HEIGHT - The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof. This definition does not apply to agricultural buildings located on five (5) acres or more.



BUILDING LINE - The actual line of that facade of the building nearest an adjacent right of way or street line. This facade includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING SETBACK LINE - The line within a property (usually parallel to the right-of-way or lot line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or lot line, whichever is further from the street.

- A. **FRONT SETBACK LINE** - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line. In the case of a corner lot possessing frontage on two or more public streets, the setback lines shall be determined by the following standards:
 - 1. At least one front setback shall be provided at the full distance required generally for the district in question. This setback line shall be located on the street of address.
- B. **SIDE SETBACK LINE** - The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

- C. REAR SETBACK LINE - The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line. In the case of a corner lot possessing frontage on two or more public streets, the rear setback line shall mean that setback line which is opposite and most distant from the front line on the street of address.

CAMPGROUND - A parcel of land upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes and where acceptable sanitary facilities are provided for each campsite or for the campground as a whole.

CAMPING, TEMPORARY EVENT - The imperfect use of a parcel to rent campsites to patrons of a particular event such as a carnival, circus, concert, parade, race, rallies, sporting event or special event. Campsites are offered for a single weekend, or three nights only and not more than twice a year.

CAMPING UNIT - Any tent, travel or camping trailer, truck camper, motor home, or similar mobile unit established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes. A dwelling unit located on the campground and occupied by the owner or manager of the campground shall not be considered a camping unit. A unit must be readily movable within three (3) hours.

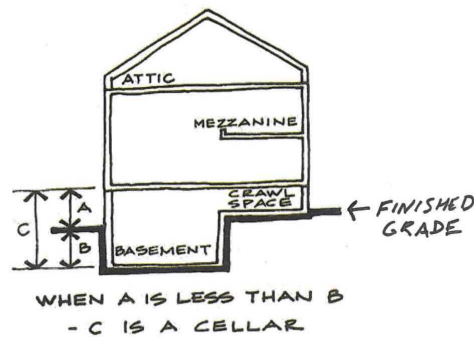
CAMPSITE - A plot of ground within a campground intended for occupation by a camping unit.

CANOPY – [See *Awning*]

CARTWAY - That portion of a street right-of-way that is intended for vehicular movement (equals travelway plus shoulders).

CELL SITE - A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

CELLAR - An enclosed floor area partly or wholly below the finished grade with at least one-half (0.5) of its floor-to-finished height below the average level of the adjoining finished grade, or with a floor-to-ceiling height of less than six and one-half (6.5) feet. [See also *Basement*]



CELLULAR TELEPHONE NETWORK – A system providing portable telephone service to specific subscribers.

CEMETERY - A place for the interment of deceased pets or human beings, by cremation or in a grave, mausoleum, vault, columbarium or other receptacle, or a memorial garden/area for the dispersal of cremated remains, but not including a private family cemetery.

CERTIFICATE OF ZONING COMPLIANCE - A statement signed by a duly authorized Township officer, setting forth that a building, structure or use legally complies with the Zoning Ordinance and that the same may be used for the purposes stated therein.

CHILD DAY CARE CENTER – A use involving the supervised care of children under age 16 outside of the children’s own home primarily for periods less than eighteen (18) hours during the average day. The use may also include educational programs that are supplemental to the state required education, including a “nursery school”. This use shall not include persons who could reasonably be considered a threat to the physical safety of others. The following types of day care are permitted without regulation by this ordinance:

- A. Care of children by their own relatives.
- B. Care of children within a place of worship during regular weekly religious service.

[See also the definition of “*Adult Day Care Center*”. It is not a “*Group Home*” or “*Treatment Center*”.]

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street, access drive, or driveway intersections defined by lines of sight between points at a given distance from the intersection of their centerlines.

CLUB ROOM, CLUB GROUNDS, OR MEETING HALL – Premises or buildings for social, recreational or administrative purposes for organizations catering exclusively to members and their guests, such as athletic, community service, political, union, or veteran organizations. This does not include an adult business or use.

CLUB OR LODGE, NON-PROFIT - Buildings or facilities owned and/or operated for a social, educational or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. A non-profit club shall not include churches, synagogues, or other places of worship. This does not include an adult business or use.

CLUB, PRIVATE - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related facilities as defined herein. This does not include an adult business or use.

CLUSTER DEVELOPMENT - A development design option which allows the minimum lot areas and yard requirements to be reduced so that buildings and lots can be grouped together in a more efficient and environmentally sensitive configuration, provided that the remaining area is set aside and preserved as common open space.

COMMISSION - The Planning Commission of Towamensing Township, Carbon County, Pennsylvania.

COMMUNICATIONS ANTENNA - Any device used by a public, semi-public, or private entity for the purpose of sending and receiving electronic digital or analogous signals as an integral component of a communications system, including but not limited to, the transmission or reception of video, radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas, including the antenna, and its necessary auxiliary components, proposed by a public, semi-public or private entity for the purpose of sending and receiving electronic digital or analogous signals as an integral component of a communications system, including but not limited to radio towers, cellular phone transmission towers, microwave towers, and common-carrier towers.

COMPACTED GRAVEL – A surface having a percolation rate slower than 120 minutes per inch.

CONCENTRATED ANIMAL OPERATION (CAO) AND CONCENTRATED ANIMAL FEEDING OPERATION (CAFO) - As per former Act 6 of 1993, now the Agriculture Communities and Rural Environment Act (ACRE – Act 38 of 2005), being an agricultural use regulated by State and/or Federal law. For example, CAO are determined under Title 25, Chapter 83, of the PA Code, as being an agricultural operations with eight (8) or more Animal Equivalent Units (1,000 pounds of live weight of livestock or poultry animals, on an annualized basis, regardless of the actual numbers of individual animals comprising the unit) where animal density exceeds two (2) AEUs per acre on an annualized basis. CAFOs are regulated under Federal law, and are generally defined as an animal feeding operation that: (1) confines more than 1,000 animal units (AU); or (2) confines between 301 to 1,000 AU and discharges pollutants into waters of the U.S. through a manmade ditch, flushing system or similar manmade device, or directly into waters of the U.S. that originate outside of and pass over, across or through the facility or otherwise come into direct contact with the animals confined in the operation. Animal quantities equivalent to 1,000 AU are 1,000 slaughter and feeder cattle, 700 mature dairy cattle, 2,500 swine each weighing more than 25 kilograms (55 pounds), 30,000 laying hens or broilers (if a facility uses a liquid manure system), and 10,000 laying hens or broilers (if a facility uses continuous overflow watering).

CONDITIONAL USE - A use in a particular zoning district to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(2) of the Municipalities Planning Code.

CONDOMINIUM - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC) – A community licensed by the State, which offers a range of non-freehold housing, personal living support and health care services for senior citizens. A CCRC may include independent living (single or multi-family units) and personal care units as well as long-term care nursing centers, located in a campus setting, developed as a cohesive and integrated community. A CCRC may also include limited banquet, retail, fitness, health and personal service, restaurant uses, typically co-located in such a community, provided their accessory uses are restricted to a maximum of five percent (5%) of the total gross floor area of the entire CCRC facility, units and related building amenities.

CONVALESCENT OR NURSING HOME - A licensed establishment which provides full-time residential, intermediate or skilled nursing care for three (3) or more individuals who, by reason of chronic illness or infirmity, are unable to care for themselves.

CONVENIENCE STORE - A business that specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following, provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

- A. Retail sales or rental of books, magazines, videos software, and video games provided that adult entertainment establishments are expressly prohibited;
- B. Restaurants, including drive-thru or fast food operations, provided that restrooms are made available to the public;
- C. Amusement arcades (limited to a maximum of two (2) machines);
- D. Automatic bank teller machines;
- E. Photomats and film development drop-off sites;
- F. Laundry, dry cleaning and tailoring drop-off sites;
- G. Lottery sales counters and machines;
- H. Propane fuel sales within no larger than 20 pound tanks, which must be stored outside of the building, but within a locked enclosure at all times;
- I. Dispensing of motor vehicle fuels, oils, compressed air, kerosene, washer fluid, and other auto-related items;
- J. Motor vehicle wash facilities, subject to the other requirements of this Ordinance; and,
- K. Post Offices and other parcel delivery drop-off sites.

CREMATORIUM - A furnace or establishment for the incineration of human or animal corpses.

DAYCARE - The offering of care or supervision over minors or special needs adults. This use does not include the offering of over-night accommodations.

- A. **DAYCARE, ACCESSORY** - A day-care that is operated as an accessory use to a principal business in which minors and special needs adults who are related to employees of the site are offered care and supervision. Such uses must comply with applicable State requirements at all times, and proof of such compliance must be provided to the Zoning Officer at the time of application for a zoning permit.
- B. **DAYCARE, COMMERCIAL** - A day-care facility that is a principal use and is licensed by the Commonwealth of Pennsylvania.

- C. DAYCARE, FAMILY - A day-care facility that is operated as an accessory use to a detached single-family dwelling that is registered by the Commonwealth of Pennsylvania and offers care and supervision to no more than six (6) persons during any calendar day.

DENSITY - The number of dwelling units permitted in relation to the net buildable site area, expressed in units per acre.

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

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to: the construction, reconstruction, renovation, repair expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENTAL DISABILITY - A disability of a person which:

- A. Is attributable to mental retardation, cerebral palsy, epilepsy, or autism; or
- B. Is found to be attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or
- C. Is attributable to dyslexia resulting from a disability described in (1) or (2) of this paragraph, and has continued or can be expected to continue indefinitely.

DEVELOPMENTALLY DISABLED PERSON - A person with developmental disability.

DORMITORY – A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery, or similar institutional use, which is owned by and is located on the same parcel as the institution it serves.

DRILLING/MINING/QUARRYING – A business involved in mineral/natural resource extraction, including gas, oil, related petroleum products, and related operations.

DRIVE-IN/THROUGH BUSINESS – A commercial establishment, including a drive-in bank, restaurant, primarily offering stand-up counter, vending machine, window or in-car service and/or offering prepared or standardized food for either on or off-premises consumption.

DRIVEWAY - An improved travelway designed and constructed to provide vehicular movement between a street and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - A structure or portion thereof, which is used exclusively for human habitation.

DWELLING, APARTMENT UNIT - One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing three or more dwelling units with each unit limited to one (1) family.

DWELLING, MULTI-FAMILY - A building or buildings designed for occupancy by three or more families living independently of each other in separate dwelling units with each unit limited to one (1) family. The term *multi-family dwelling* shall include condominium as well as non-condominium housing units including the following construction types:

- A. TOWNHOUSE - A dwelling unit located in a multi-family dwelling structure not exceeding 2.5 stories or 35 feet in height in which each unit has its own front access to the outside and may have a rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire resistant walls.
- B. GARDEN APARTMENT BUILDING - A multi-family dwelling structure, originally designed as such, containing three to ten apartment units and not exceeding 2.5 stories or 35 feet in height, with access to each apartment unit usually from a common hall with the apartment units located back-to-back, adjacent, or one on top of another.
- C. APARTMENT BUILDING - A multi-family dwelling structure, originally designed as such, containing three or more apartment units, which are more than 2.5 stories, but not exceeding the height limitations (in feet) of this Ordinance.
- D. RESIDENTIAL CONVERSION TO APARTMENT – [See *Conversion Apartment*]

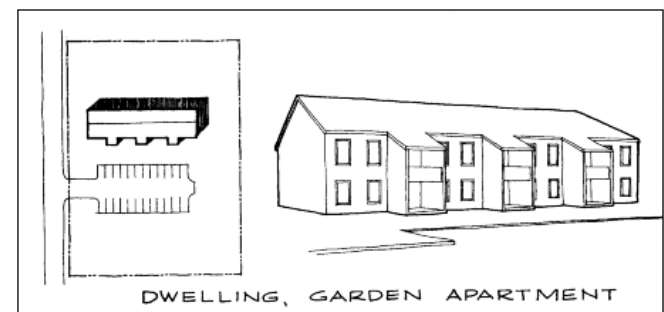
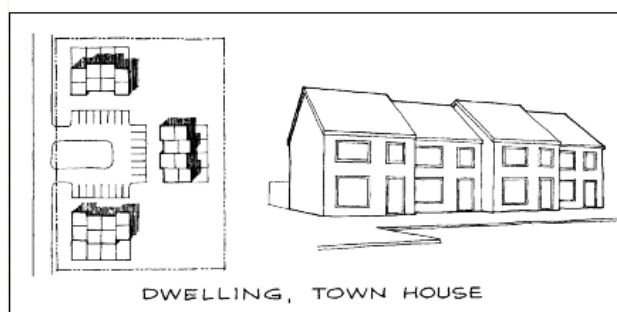
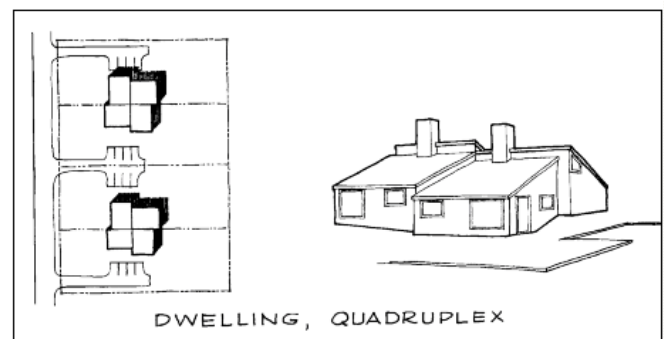
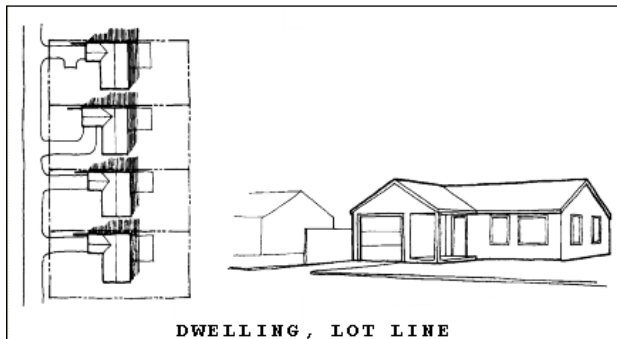
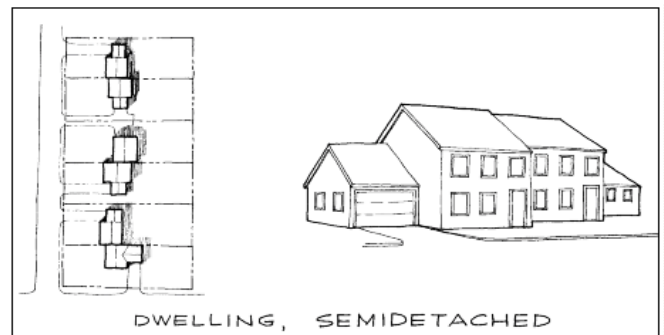
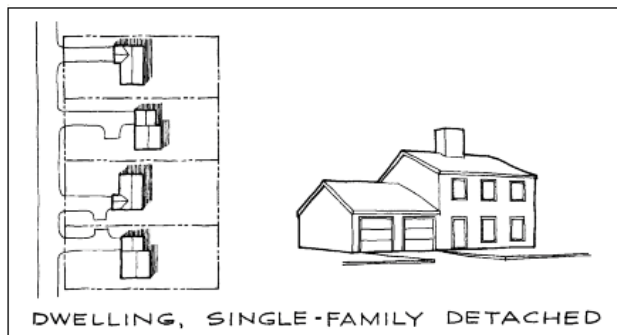
DWELLING, QUADRUPLEX - Four attached single-family dwellings in one building in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

DWELLING, SINGLE FAMILY DETACHED - A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

DWELLING, SINGLE FAMILY SEMI-DETACHED - A single-family dwelling unit that is attached to one other single-family dwelling unit by a common vertical wall with each dwelling located on a separate lot.

DWELLING, TWO FAMILY - A building containing two dwelling units either attached side by side through the use of a vertical party wall and having one side setback adjacent to each dwelling unit; or upstairs/downstairs units. The building is designed for occupancy by two families, each family living independently of each other in a separate dwelling unit with each unit limited to one (1) family.

DWELLING UNIT - One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. Any part of a dwelling structure which is not connected with full unrestricted access to all other parts of the dwelling structure is considered a separate dwelling unit.



EASEMENT - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

ECHO HOUSING - An additional dwelling unit placed on a property for occupancy by either an elderly, handicapped, or disabled person related by blood, marriage, or adoption, to the occupants of the principal dwelling.

ENCROACHMENT - Construction of any building, structure or any obstruction or illegal or unauthorized intrusion within the boundaries of any adjacent land, right-of-way street, setback, watercourse or public or reserved ground shown or laid out on any official map, Township approved plot plan or in violation of any provision of set forth in this Ordinance.

ERECT - To build, construct, alter, repair, display, relocate, attach, hang, place, suspend or affix any building or structure.

EROSION - The natural process by which the surface of the land is worn away by water, wind or chemical action.

EROSION AND SEDIMENT CONTROL PLAN (E&S PLAN) - A site-specific plan consisting of both drawings and a narrative that identifies Best Management Practices (BMPs) to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

ESCORT AGENCY - A person or business association or establishment which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency shall be considered an adult business for regulation by this Ordinance.

ESSENTIAL SERVICES - Includes the provision of gas, electrical, steam, communication, telephone, sewer, waste material, water, public safety and other similar services. The facilities required to provide such services shall consist of:

- A. Limited facilities including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment which does not require enclosure within a building or which can be constructed within a public right-of-way.
- B. Major facilities including equipment which requires enclosure within a building or construction on its own site such as gas storage areas, solid waste substations, substations, telephone exchanges and telephone booths.

FAMILY - A person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- A. Persons who are closely related by blood, marriage, adoption, or official foster relationship. This term shall be limited to relationships such as husband, wife, father, mother, daughter, son, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-

law, brother-in-law, father-in-law, mother-in-law, step-father, step-mother, legal guardian, first cousin and similar close relationships. This term shall not include relationships such as a second, third, or more distant cousins.

- B. Three (3) unrelated people;
- C. Two (2) unrelated people and any children related to either of them;
- D. Involves the care of the maximum number of persons permitted by the “*group home*” standards of use class 705 (B1a).

The definition of a family does not include:

- A. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
- B. Any group of individuals whose association is temporary or seasonal in nature; or
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

FAMILY GROUP HOME – [See *Group Home*]

FARM - A parcel of land used primarily in the raising or production of agricultural products, with the customary dwelling, farm structures, storage and equipment. Adjoining tracts, parcels or separately deeded properties which are owned and farmed integrally as part of the same farming operation shall be considered jointly as one farm.

FARM IMPLEMENT SALES AND SERVICE – A business solely involved in the sales, rental, service, and repair of agriculturally related equipment and products.

FARM OCCUPATION - Any occupation in addition to the primary agricultural use whereby the farmer in residence engages in an occupation that is secondary to the primary agricultural use.

FARM STAND – A structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

FENCE - Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences shall include "electric" and "barbed/razor wire fences" but not "invisible" fences.

FINANCIAL INSTITUTION - A bank, savings and loan association, credit union, finance or loan company, etc.

FISH HATCHERY – An establishment, which is intended for the incubation or originating of fish.

FLEA MARKET - A retail sales use where more than one vendor displays and sells general merchandise that is new or used. Farmers and/or flea markets can include indoor and outdoor display of merchandise.

FLOODPLAIN – the land adjacent to a river or stream that has been, or could be, expected to be inundated by a flood resulting from a 100-year storm event.

FLOODWAY – the area of the floodplain required to carry the discharge from a 100-year storm event. Where no FEMA mapping has been completed, it is assumed to be fifty (50) feet back from top of bank.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls and to the centerline of party walls.

FLOOR AREA, HABITABLE - The sum of the floor areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FOREST – Areas or stands of trees, the majority (i.e. more than 50%) of which are greater than 12 inches caliper measured at 36 inches above ground level, covering an area greater than one-quarter acre; or groves of mature trees, without regard to minimum area, consisting of substantial numbers of individual specimens.

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, which does not involve any land development.

FUNERAL HOME – A building or part thereof used for human or animal funeral services. (A *crematorium* is a separate regulated use.) Such building may contain space and facilities for any of the following:

- A. Embalming and the performance of other services used in preparation of the dead for burial.
- B. The performance of autopsies and other surgical procedures.
- C. The storage of caskets, funeral urns, and other related funeral supplies.

D. The storage of funeral vehicles.

GARAGE, PRIVATE - A building for the private use of the owner or occupant of a principal building, which may or may not be situated on the same lot as the principal building, for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC - A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

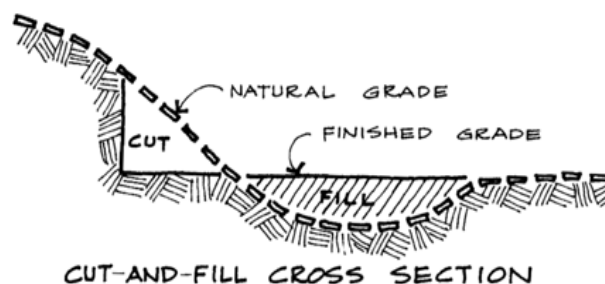
GOLF COURSE - A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine holes, not including "chip-n-putt," or miniature golf courses. A golf course may include accessory uses such as a clubhouse, restaurant, and golf equipment shop provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are not directed primarily toward the general public.

GOVERNING BODY - The Board of Supervisors of Towamensing Township.

GRADE - The average finished ground elevation adjoining a building.

GRADE, FINISHED - The completed surfaces of lawns, walks, and streets brought to grades as shown on official plans or designs relating thereto.

GRADE, NATURAL - The elevation of the ground level in its natural state before construction, filling, or excavation.



GARDEN CENTER, RETAIL - A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping. Considered *retail business* for regulation by this Ordinance.

GREENHOUSE/HORTICULTURAL NURSERY - A use primarily involved in horticulture which includes the sale of plants grown on the premises and related goods and materials, as well as the storage of equipment customarily incidental and accessory to the primary use.

GREENHOUSE, PRIVATE - An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, for private noncommercial use.

GROUP HOME - The use of any lawful dwelling unit, which meets all of the following criteria:

- A. Involves the care of the maximum number of persons permitted by the “*Group Home*” standards of use class 705 (B1a), and meets all other standards of such section.
- B. Involves persons functioning as a common household.
- C. Involves providing non-routine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental impairment or other handicap* as defined by applicable Federal law.
- D. Is not a “*Dormitory*”, “*Treatment Center*”, “*Rooming/Boarding House*”, “*Club*”, “*Fraternity/Sorority*”, or “*Hotel/Motel*”; and
- E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

*NOTE: As of 2007, the Federal Fair Housing Act defined *Handicap* as follows: 1) a *physical or mental impairment which substantially limits one or more of such person's major life activities*, 2) a *record of having such an impairment*, or 3) *being regarded as having such an impairment*, but such term does not include current, illegal use of or addiction to a controlled substance as defined in §802 of Title 21.

HEALTH AND RECREATION CLUB - A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses. This does not include an adult business or use.

HEIGHT OF A COMMUNICATIONS TOWER - The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

HELICOPTER PAD (PRIVATE) - An accessory use where no more than one helicopter may land/take-off and is stored.

HELIPORT - An area, either at ground level or elevated on a structure, licensed by the federal government and/or the Commonwealth for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

HOME OCCUPATION - An occupation, profession, activity or use conducted within a residential dwelling or accessory building by the resident-operator and not more than two (2) nonresident employees. Home occupation uses are intended to be of a service nature and not involve primarily the purchase and/ or sale of goods. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Home occupations are limited to twenty-five (25) percent of the total floor area of the principal building. Since the use may be of such nature that may require regular visits by customers and/or deliveries, off-street parking space will be required in addition to the spaces required for the residential use. [See also *No-Impact Home Based Business*]

HOSPITAL - An institution, licensed in the Commonwealth of Pennsylvania as a hospital, which renders inpatient and outpatient medical care on a twenty-four (24) hours per day basis; and provides primary health services and medical/surgical care to persons suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital use can also include attached and detached accessory uses provided that all accessory uses are contained upon the hospital property.

HOTEL - A facility offering lodging accommodations to the general public, typically on the basis of daily, weekly, or monthly rentals, and can provide additional services such as restaurants, meeting rooms and recreational facilities.

HOTEL, EXTENDED STAY - A facility offering lodging accommodations to the general public, typically on the basis of daily, weekly, or monthly rentals, and can provide in room cooking and dishwashing facilities.

HUB HEIGHT – The distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

IMMEDIATE CARE CLINIC - Any building or group of buildings occupied by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

IMPOUND YARD - An area of land, with or without buildings, used for the storage of vehicles without the dismantling, processing, salvage, sale or other use or disposition of the same. The impound yard must be provided with a minimum ten (10) foot high fence and gate with visual screening. The impound yard must be secured at all times when an attendant is not on the site.

INDUSTRIAL PARK - A tract of land laid out in accordance with an over-all plan for a group of industries with separate building sites designed and arranged on streets and with utility services, setbacks, side yards, and landscaped yards.

INDUSTRIAL USE -

- A. GENERAL INDUSTRIAL USE: Manufacturing or storage uses which, because of their shipping, storage and other requirements, should not be located in close proximity to residential areas.
- B. LIGHT INDUSTRIAL USE: Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

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

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

Junk shall not include:

- A. Agricultural vehicles and implements such as tractors, mowers, etc., for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.
- B. Construction and contractors' equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in accord with this Ordinance, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

JUNK (SALVAGE) YARD - An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of junk as defined by this Ordinance, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Vehicle sales lots managed by licensed vehicle dealers operated in accord with this Ordinance shall not be considered junkyards. The following shall also be considered junkyards:

- A. The outside storage or deposit on a lot of two (2) or more abandoned or junked vehicles; or
- B. The outside storage or deposit on a lot of one (1) or more manufactured homes that are not in habitable condition; or
- C. The use of more than one-half of one (1) percent of the total area of any lot (but not exceeding 1,000 square feet), or 200 square feet, whichever is larger, for the storage and keeping (but not abandonment) of unlicensed motor vehicles, trailers, or vehicles not bearing current Pennsylvania registration and inspection stickers stored on premises over ninety (90) days. Even if the area is not a “junk yard” because of its size (i.e. it is equal to or smaller than one-half of one (1) percent of the total areas of any lot (but not exceeding 1,000 square feet), or 200 square feet, whichever is larger), if it is used for storage or keeping of unlicensed motor vehicles, trailers, or vehicles not bearing current Pennsylvania registration and inspection stickers stored on premises over ninety (90) days, there must be some screening around the area where the vehicles or trailers are stored or kept in accordance with Section 603, no vehicles shall be stacked upon one another and there must be compliance with section 705 (G8) 1., 2., 3., 5., and 6.

JUNKED MOTOR VEHICLE – an unregistered, wrecked or disabled vehicle or the major part thereof.

KENNEL - Any lot housing more than a total of six (6) dogs, cats, or other domestic animals (not including the animals’ litters, provided they are under the age of twelve (12) weeks), or an establishment under the Pennsylvania Dog Law operated either full or part time or where the owner or operator receives remuneration for grooming, breeding, boarding, training, or selling of animals is conducted as a business.

LAKE – An inland body of water fed by springs or surrounding runoff from surrounding areas having a size greater than four (4) acres.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or,

2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of; or for the purpose of streets, common area; leaseholds; condominiums; building groups or other features.
- B. A subdivision of land.
- C. The definition of land development shall also include the expansion or addition to a non-residential building which involves any of the following as measured cumulatively from the effective date of this provision:
1. The addition of twenty-five (25) percent or more of floor area to the structure; or
 2. The increase by twenty-five (25) percent or more of impervious area (including building area) on the parcel; or
 3. Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.
- D. The definition of land development shall not include the following:
1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Township.

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.

LARGE WIND ENERGY FACILITY – [See *Wind Energy Facility, Large*]

LIVESTOCK - Any member of the avian, bovine, equine, porcine, ovine, and piscine species, including but not limited to poultry, fowl, cows, steers, horses, ponies, pigs, sheep, goats and fish.

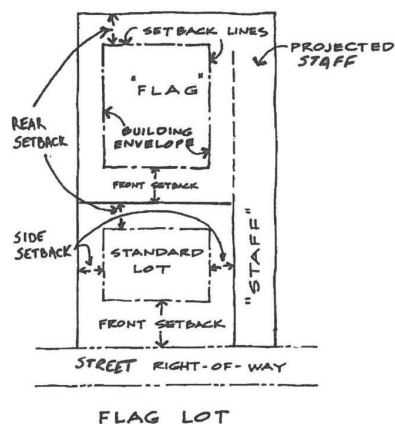
LOADING SPACE - An off-street paved space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

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

LOT, CORNER - A lot which has an interior angle of less than one hundred thirty five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards, one side, and one rear yard.

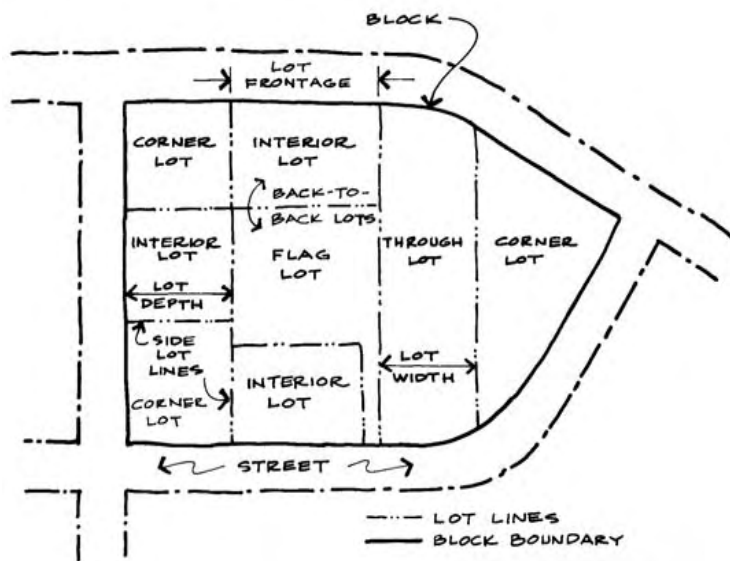
LOT, EXISTING OF RECORD - Any lot or parcel of property which was legally in existence and properly on file with the County Recorder of Deeds prior to the effective date of the original Township Zoning Ordinance.

LOT, FLAG - A lot that does not meet the minimum required lot width at the minimum front yard setback line (but does meet this width away from the minimum front yard setback line) and where access to a street is provided through a typically long, narrow strip of land which is part of the lot.



LOT, INTERIOR - A lot other than a corner lot, the sides of which do not abut a street.

LOT, THROUGH OR REVERSE FRONTAGE - An interior lot having frontage on two parallel or approximately parallel streets.



LOT AREA - The area contained within the property lines of a lot excluding space within any street right-of-way, but including the area of any easement(s).

LOT COVERAGE – That portion of the lot covered by all created improvements, including but not limited to primary buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious areas (equals “*Building Coverage*” plus “*All-Weather Surfaces*” plus “*Impervious Surfaces*”).

LOT OF RECORD – Land which constitutes a separate lot or parcel as recorded in the office of the Recorder of Deeds of Carbon County, Pennsylvania.

LOT DEPTH - The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT (OR STREET) FRONTAGE - The horizontal distance between side lot lines or the projection of the side lot lines, measured along a straight line drawn perpendicular to a line joining the midpoints of the front and rear lot lines at a point equivalent to the minimum front setback applying to the lot.

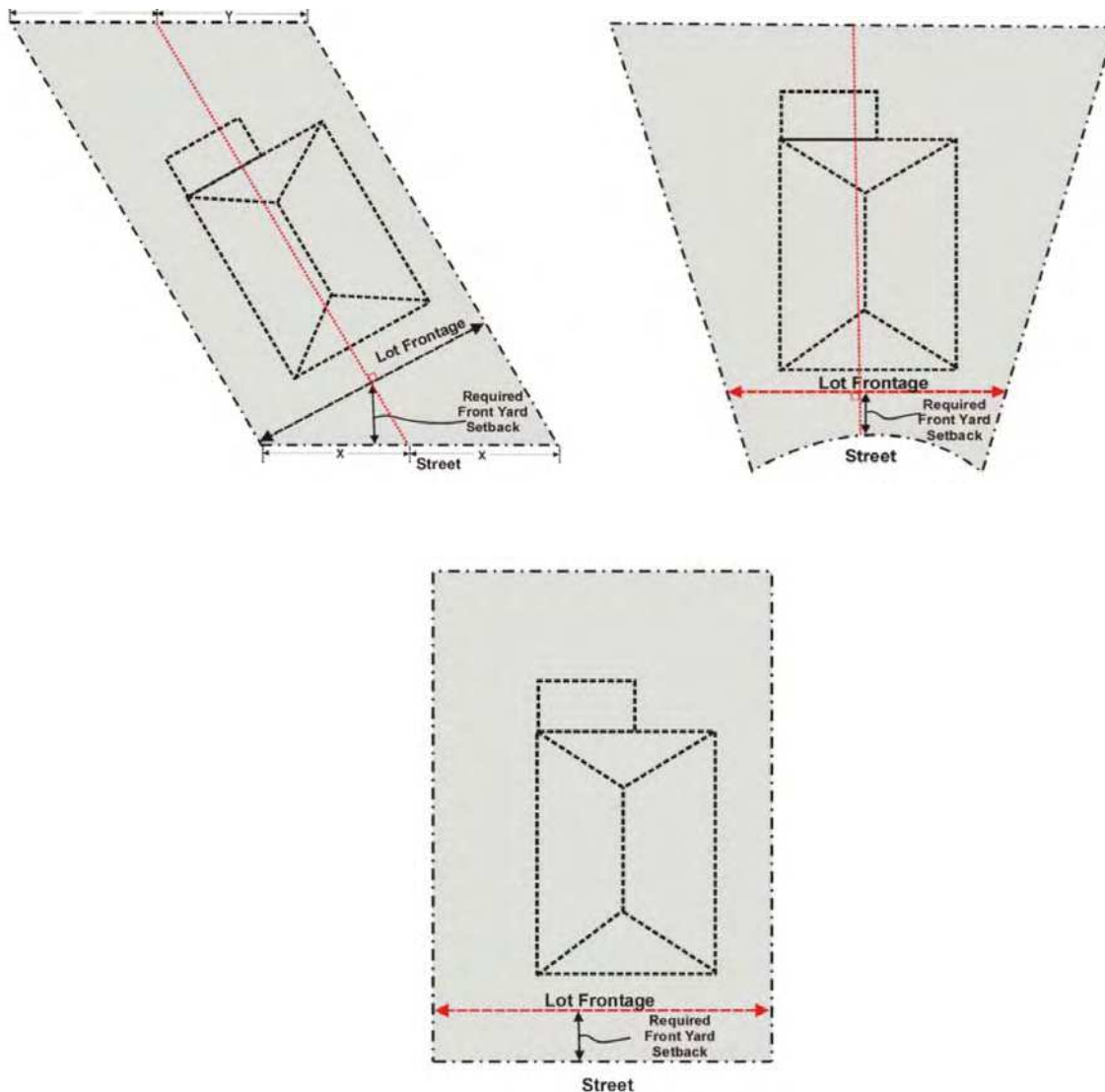
LOT LINE - A line of record bounding a lot that divides one (1) lot from another lot or from a street.

LOT LINE, FRONT - The lot line(s) separating the lot from any street.

LOT LINE, REAR - The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT WIDTH - The horizontal distance between the side lines of a lot measured at right angles or approved front and rear building lines. In the case of a lot fronting on a cul-de-sac turnaround or curve, along a chord perpendicular to a radial line located equidistant between the side lot lines, the said chord shall intersect the radial line at a point located at the required or approved building setback line to its depth along a straight line parallel to the front lot line at the minimum required.



LUMBERYARD - An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

MANURE STORAGE FACILITIES - A detached structure or other improvement built to store manure for future use or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and aboveground storage.

MANUFACTURED HOME – A transportable, single family dwelling intended by the manufacturer for permanent occupancy, contained in one (1) unit, or in two (2) 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 installed on the lot or site as per the manufacturer's installation requirements.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

MANUFACTURED HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more manufactured home lots for the placement thereon of manufactured homes, where the lots are rented or leased.

MASSAGE - Pressing, squeezing, stretching, or stimulating the face, scalp, neck, limbs, or other parts of the human body with or without cosmetic preparation, either by hand, or with mechanical or electrical appliances.

MASSAGE FACILITY, THERAPEUTIC - A service establishment that meets all of the following criteria:

- A. Massages are conducted for a fee, tip or other consideration; and,
- B. The person conducting the massage is licensed by the Commonwealth of Pennsylvania as a health care professional or a therapeutic massage therapist, or is certified by the National Certification Board for Therapeutic Massage and Bodywork or other recognized therapeutic massage organization that requires substantial professional training.
- C. The establishment does not meet the definition of massage parlor.

MASSAGE PARLOR - A person or business association or establishment which furnishes, offers to furnish or advertises to furnish as one of its primary business purposes for a fee, tip or other consideration, a massage which involves the exposure of any specified anatomical areas. A massage parlor shall be considered an *Adult Business* for regulation by this Ordinance.

MEDICAL OR DENTAL CLINIC - Any building or group of buildings operated or staffed by licensed medical practitioners and related services for the purpose of providing health services to people on an outpatient basis.

METHANE DIGESTER SYSTEM – An anaerobic digestion system for the purpose of generating electrical and/or heat energy for onsite or off-site consumption.

- A. **ACCESSORY METHANE DIGESTER SYSTEM** – An anaerobic digestion system that processes manure that is generated as part of the farming operation on which the system is located. An Accessory Methane Digester System generates electrical and/or heat energy for onsite consumption.
- B. **REGIONAL METHANE DIGESTER SYSTEM** – An anaerobic digestion system that processes manure that is generated as part of the farming operation on which the system is located, and/or manure transported to the site from other farming operations. A Regional Methane Digester System generates electrical and/or heat energy for onsite or off-site consumption.

MICROBREWERY - A facility for the production, packaging and sampling of malt beverages of alcoholic and/or non-alcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than fifteen thousand (15,000) gallons of malt beverages per year.

MINERALS - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to: limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MOBILEHOME – [See *Manufactured Home*]

MOTEL - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

MPC - The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as enacted and amended.

MUNICIPAL USE - Any use of land, buildings, or structures owned or operated by the Township or a municipal authority organized by the Township, for public purposes, including auditoriums, civic and community centers, historic buildings and restorations, fire and police stations, marinas, lakes and ponds, museums, parks, playfields and playgrounds, municipal buildings including administrative buildings, equipment storage buildings and garages and the Towamensing Township Volunteer Fire Company.

MUNICIPALITY - The Township of Towamensing, Carbon County, Pennsylvania.

NIGHTCLUB - Any building used for on-site consumption of alcoholic or nonalcoholic beverages where live entertainment is offered more frequently than three times per week. For the purposes of this definition, "live entertainment" is meant to include the use

of disc jockeys for the purposes of supplying musical entertainment. Nightclubs may offer the retail sale of carryout beer and wine as an accessory use. This is meant to include an "under 21" club which features entertainment with no alcohol sales. This use does not include adult-related uses or businesses as defined herein.

NO-IMPACT HOME-BASED BUSINESS – 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 [see also *Home Occupation*]. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. 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.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

NONCOMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal detached single-family dwelling that is not contained upon a farm, whereupon livestock are kept exclusively by the residents of the site. Example is a 4 H project or domestic use for food.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the effective date of this Ordinance, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of the adoption or amendment of this Ordinance.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of the use provisions of this ordinance, as amended, where such structure lawfully existed prior to the enactment of this Ordinance, or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NUDE MODEL STUDIO - Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. A nude model studio shall be considered an adult business for regulation by this ordinance.

NUDITY OR THE STATE OF NUDITY - The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering or any portion thereof below the top of the areola.

OBSCENE MATERIALS - Any literature, book, magazine, pamphlet, newspaper, storypaper, bumper sticker, comic book, or writing; any figure, visual representation, or image, including any drawing, photograph, picture, video, or motion picture, if:

- A. The average person applying contemporary standards in the Commonwealth of Pennsylvania would find that the subject matter taken as a whole appears to the prurient interest;
- B. The subject matter depicts or describes in a patently offensive way, specified anatomical areas or specified sexual activities; and
- C. The subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

OFF TRACK WAGERING FACILITY - A facility licensed pursuant to the provisions of the Racehorse Reform Act for the purpose of gaming authorized at a non-primary location pursuant to the provisions of the Racehorse Reform Act. Considered a *Private Recreational Facility* for regulation by this Ordinance.

OFFICIAL MAP - A map adopted by Township ordinance in accord with Article IV of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as enacted and amended.

OFFICIAL ZONING MAP - The Official Zoning Map of Towamensing Township, Carbon County, Pennsylvania.

OPEN SPACE - Those areas of a lot which, except as provided by this Ordinance, are to remain unbuilt and which shall not be used for parking, storage, or display.

OPEN SPACE, COMMON OR PUBLIC - A parcel or parcels of land, an area of water, or a combination of land and water, designed and intended for the use of all residents of the development (common open space) or the general public (public open space), not including streets and walkways, off-street parking areas, areas with no public accessibility, setbacks, and areas at other than ground level. Open space areas may include floodplains and drainage basins. Common or public open space shall be substantially free of structures but may contain such improvements as are appropriate for recreational use by the residents or the general public.

OUTDOOR ENTERTAINMENT - Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building.

PA DEP - Pennsylvania Department of Environmental Protection.

PA DOT - Pennsylvania Department of Transportation.

PARCEL – Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land contained in the same deed that is separated by an existing State or Township road shall be considered contiguous.

PARKING COMPOUND - A primary business where passenger vehicles may be stored for short-term, daily, or overnight off-street parking, and connected to a street by an access drive.

PARKING GARAGE – A building or structure where passenger vehicles may be stored for daily, short-term or overnight off-street parking.

PARKING LOT - An accessory use in which required, and possibly, additional parking spaces are provided subject to the requirements elsewhere in this Ordinance.

PARKING SPACE - An off-street space available for the parking of one (1) motor vehicle and having usable access to a street or alley.

PARK, PRIVATE - A recreational facility owned or operated by a nonpublic agency and/or conducted as a private gainful business. This does not include an adult business.

PARK, PUBLIC AND/OR NONPROFIT - Those facilities designed and used for recreation purposes by the general public that are (1) owned and operated by a government or governmental agency/authority, or (2) are operated on a nonprofit basis.

This definition is meant to include the widest range of recreational activities, excluding adult entertainment uses, and amusement arcades.

PARTY WALL - A common, shared wall between two (2) separate structures, buildings, or dwelling units.

PASSENGER TERMINAL - A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic.

PENN DOT - Pennsylvania Department of Transportation.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L.805, No.247, as reenacted and amended.

PERFORMANCE STANDARD SUBDIVISION – A type of cluster development in which the developer may chose a variety of housing types subject to the regulations in this Ordinance. Performance standard subdivisions allow the grouping or clustering of dwelling units, permitting a variety of housing types to encourage better, more flexible designs. The subdivision as a whole must meet prescribed standards for open space, density and impervious surfaces.

PERSONAL CARE FACILITY - A premises in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours for four or more adults who do not require the services in or of a licensed long-term care facility, but who do require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration.

PERSONAL CARE ROOM - A dwelling room located in a personal care facility, licensed by the Pennsylvania Department of Health, which is occupied by no more than one resident and which is located in a building in which meals are provided in a common dining room.

PERSONAL SERVICE BUSINESS – Barber and beauty shops; therapeutic massage; self-service laundry, dry cleaning, laundromats; electronics, radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tailor and dressmaking shops; tattoo or any other business of a similar nature providing personalized service to customers.

PLACE OF WORSHIP - A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day care facilities.

PLANNING COMMISSION - The Planning Commission of the Township of Towamensing, Carbon County, Pennsylvania.

PLANNED RESIDENTIAL DEVELOPMENT (PRD) - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of a municipal zoning ordinance.

PLAT OR PLAT PLAN - A map or plan of a subdivision or land development, whether preliminary or final.

PLOT – (1) A single unit parcel of land; (2) a parcel of land that can be identified and referenced to a recorded plot or map.

POND – An enclosed body of water, smaller than a lake and often artificially formed.

PORCH - An attached, roofed accessory structure projecting from a wall of a building, which may be, open or screened and with walls no higher than four (4) feet above the floor level.

PREMISES - Any lot, parcel or tract of land and any building constructed thereon. The term “premises” shall also include the area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

PRIME AGRICULTURAL LAND - Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PRIVATE – Not publicly owned, operated or controlled.

PRINCIPAL BUILDING - A building in which or from which the principal use of the lot is conducted.

PRINCIPAL USE - The primary or predominate use of a lot.

PUBLIC - Owned, operated, or controlled by a governmental agency (Federal, State, or Local, including a corporation created by law for the performance of certain specialized governmental functions, and the Board of Education).

PUBLIC FACILITY – Any building held, used or controlled exclusively for public purposes by any government agency (Federal, State, County or Municipal) without reference to the ownership of the building or of the realty upon which it is situated, excluding a jail or related incarceration facility.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under the 65 Pa. C.S. CH.7 (relating to open meetings) and subsequent amendments.

PUBLIC NOTICE - Notice published once each week for two 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 seven days from the date of the hearing. Public notice shall also comply with the requirements of the MPC, as amended.

PUBLIC UTILITY TRANSMISSION TOWER – A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed, and used to support overhead electricity transmission lines (does not need to follow the guidelines set for telecommunications towers).

RECREATIONAL FACILITY – A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. This does not include an adult business or use.

RECREATIONAL FACILITY, COMMERCIAL - An activity operated as a business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, bowling alleys, drive-in motion picture facilities, swimming pools, health clubs, miniature golf courses, museums, etc. This does not include adult-related uses or off-track betting establishments, as defined herein.

- A. **INDOOR COMMERCIAL RECREATIONAL FACILITY** – An activity operated as a gainful business, open to the public, for the purpose of public recreation or entertainment, including but not limited to, billiard hall, bowling, cinema, theater, health and fitness club, shooting club, spa, miniature golf course, etc., when operated within a completely enclosed building. This does not include an adult business or use.
- B. **OUTDOOR COMMERCIAL RECREATIONAL FACILITY** – A commercial use, other than Agritourism, dependent on large parcels of open land for leisure and/or recreational activities, including but not limited to, a swimming pool, tennis court, go-cart track, moto-bike course or trail, golf course and/or driving range, ski resort, gardens, miniature golf, or drive-in theater, park. This does not include an adult business or use.

RECREATIONAL VEHICLE - A vehicle (regardless of size) that is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreational vehicle" includes campers, pickup coaches, travel trailers or motor homes.

REGISTERED PROFESSIONAL - A person duly licensed as a professional engineer, surveyor, geologist or landscape architect by the Commonwealth of Pennsylvania.

RELATED OR RELATIVES – Persons who are closely related by blood, marriage, adoption, or official foster relationship. This term shall be limited to relationships such as husband, wife, father, mother, daughter, son, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, brother-in-law, father-in-law, mother-in-law, step-father, step-mother, legal guardian, first cousin and similar close relationships. This term shall not include relationships such as a second, third, or more distant cousins.

RESORT - A business combining lodging, eating and recreational facilities for lodgers and/or non-lodgers as a single enterprise offered to the public at large or any segment thereof, not including *Bed And Breakfast Establishments, Campgrounds, Recreational Vehicle Parks or Manufactured Home Parks or Adult Business or Uses*. Amenities may include conference centers, retail sales, spas, beauty salons, barber shops, restaurants, indoor and outdoor recreational facilities, health centers, day care centers, facilities for commercial special events, and employee living quarters.

RESTAURANT, DRIVE-IN - A commercial establishment where food or beverage is sold for consumption on the premises either in a customer's vehicle or in an outside area, but not within a building.

RESTAURANT, DRIVE-THRU - An accessory use to a commercial restaurant where the customer receives food or beverage via a drive-up window, without the need for the customer to leave his vehicle.

RESTAURANT, FAST FOOD - A commercial establishment where a limited selection of food or beverage is sold either for consumption on the premises or as a "takeout" service. Food preparation is designed for immediate service to customers and food is normally prepared in advance to facilitate this type of "fast" service.

RESTAURANT, SIT-DOWN (EATING PLACE) - A commercial establishment where a variety of foods and beverages are sold for consumption on the premises. Customers are normally seated at a table where they select food and beverage from individual menus, and they are served foods and beverages by a restaurant employee at the same table at which said items are ordered and consumed.

RETAIL STORE / SALES - Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined herein.

RIDING ACADEMY - An establishment where horses are kept for riding or driving, or are stabled for compensation.

RIDING CLUB - An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction and equestrian competition may be offered, including but not limited to polo clubs, public show rings and rodeos.

RIDING STABLE - An establishment where horses are kept, bred, trained and/or exercised and where equestrian instruction may be offered, but excluding riding clubs.

- A. **RIDING STABLE, PRIVATE** - An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition or sale.
- B. **RIDING STABLE, PUBLIC** - A building in which horses are kept for hire, remuneration, exhibition or sale.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

- A. **RIGHT-OF-WAY, EXISTING** – The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.
- B. **RIGHT-OF-WAY, FUTURE** – The right-of-way deemed necessary by the Township Subdivision and Land Development Ordinance, as appropriate, to provide adequate width for future street improvements.

ROOF ACCESS POINTS – Areas where ladders are not placed over opening (i.e. windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (i.e. tree limbs, wires, or signs).

SATELLITE DISH ANTENNA - Apparatus designed for transmitting radio energy to satellites or receiving it from satellites and including any attached mountings or brackets.

SCHOOL - A principal use in which supervised education or instruction is offered according to the following categories:

- A. **COMMERCIAL SCHOOL** - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by some person or organization other than the school district.
- B. **NONPROFIT SCHOOL** - A school licensed by the PA Department of Education for the purpose of providing elementary, secondary, and/or adult education, and operated by a recognized nonprofit organization other than the School District.
- C. **PRIVATE SCHOOL** - A school that offers elementary, secondary, post-secondary and/or post graduate education that may, or may not, be operated as a gainful business.

- D. PUBLIC SCHOOL - A school licensed by the PA Department of Education for the purpose of providing elementary, secondary, and/or adult education, and operated by the School District.
- E. VOCATIONAL - MECHANICAL TRADE SCHOOL - A school that may, or may not, be operated as a gainful business that principally offers training in any of the following occupations:
 - 1. Truck driving;
 - 2. Engine repairs;
 - 3. Building construction and general contracting;
 - 4. Woodworking;
 - 5. Masonry;
 - 6. Plumbing;
 - 7. Electrical contracting; and,
 - 8. Other similar trades.

SCREENING - The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development or properties.

SEASONAL RESIDENCE - A permanent dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred and eighty-two (182) days of the year.

SELF-SERVICE STORAGE FACILITY (MINI-WAREHOUSE) - A building or group of buildings containing separate, individual, and private storage spaces usually of varying sizes available for lease or rent for varying periods of time. These units shall be used solely for dead storage and no processing, manufacturing, sales, research and development testing, service and repair, or other non-storage activities shall be permitted.

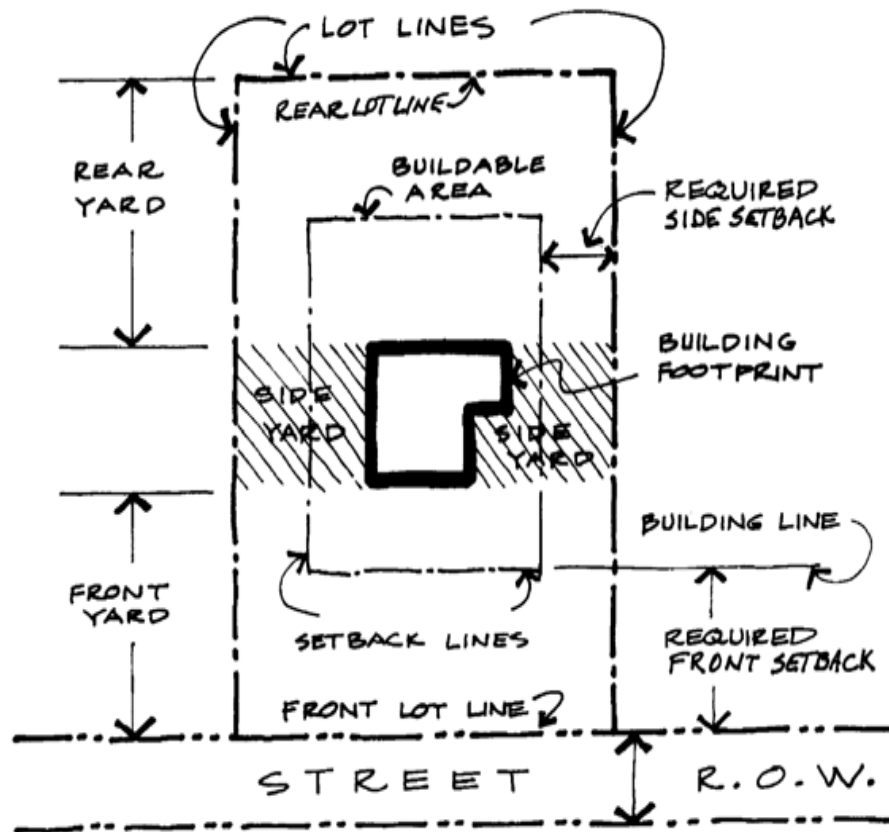
SEPARATION - The required horizontal distance or space between two or more objects (i.e., as in minimum separation distances between buildings in a multi-family development).

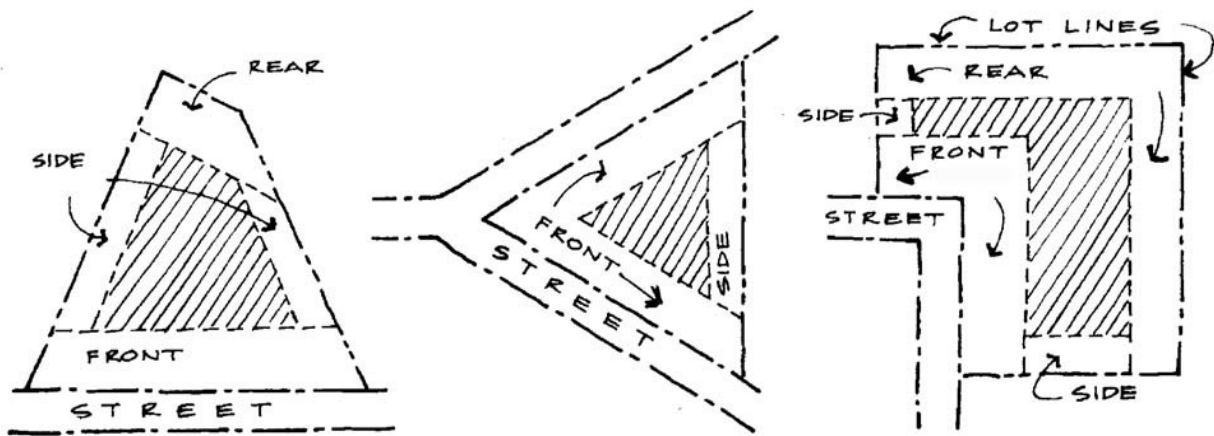
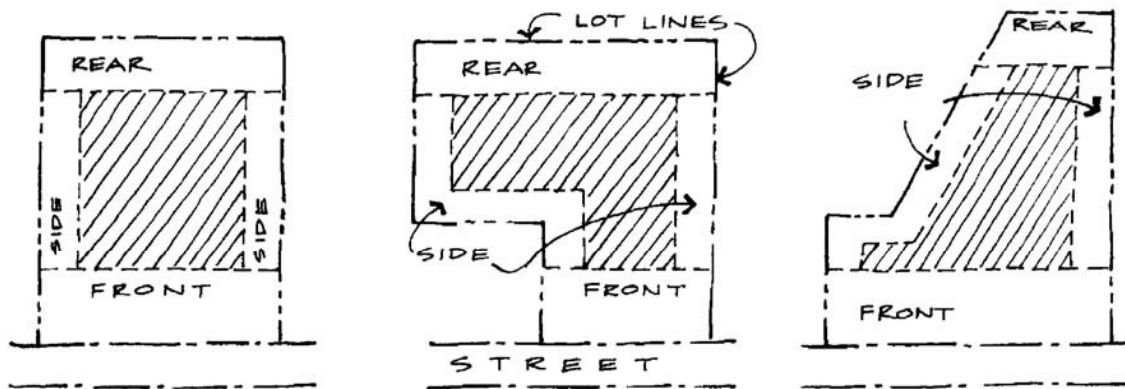
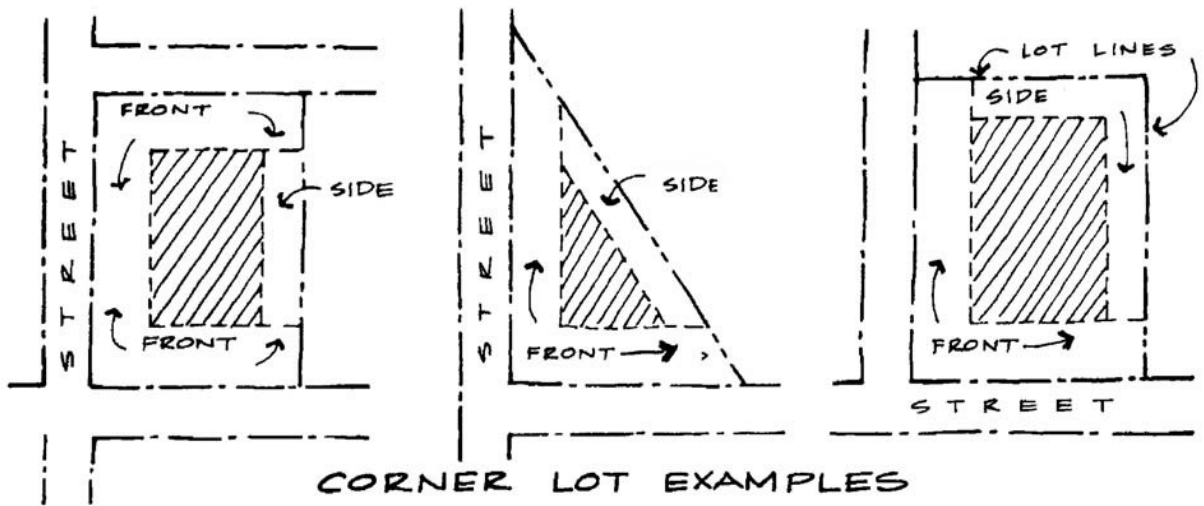
SETBACK - The required horizontal distance between a setback line and a property or street right-of-way line.

- A. SETBACK, FRONT - The distance between the street right of way line and the front setback line projected the full width of the lot. Commonly, called “required front yard.”

- B. SETBACK REAR - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "required rear yard."
- C. SETBACK SIDE - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "required side yard."

SETBACK LINE - That line that is the required minimum distance from any lot line and that establishes the area within which any structure may be erected or placed. See also Building Line.





 **BUILDING (ZONING) ENVELOPE**
(TWO DIMENSIONAL)

SEWAGE FACILITIES - A system of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of the Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste as recognized by the Department of Environmental Protection.

- A. **PUBLIC SEWAGE SYSTEM** - A publicly owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation is a soil absorption area, or retention in a retaining tank.
- B. **PRIVATE COMMUNITY SEWAGE SYSTEM** - A privately owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- C. **COMMUNITY ON-LOT SEWAGE SYSTEM** - A sewage facility serving two or more lots, which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area or retaining tank.
- D. **INDIVIDUAL ON-LOT SEWAGE SYSTEM** - An individual sewage system that uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- E. **INDIVIDUAL SEWAGE SYSTEM** - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal.

SHOPPING CENTER - A group of stores planned and designed for the site on which it is built, functioning as a unit, with shared off-street parking provided on the property as an integral part of the unit.

SHOOTING RANGE, INDOOR - Any fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

SHOOTING RANGE, OUTDOOR - Any area not within a fully enclosed building used for the discharge of any firearm for recreational or training purposes which is a commercial operation, or which is operated by any government entity, private non-profit entity, or any sportsman's, recreation or fraternal club or association.

SIGN – [See Article 9]

SKYSPACE – The open space between a solar collector or wind turbine and the sun or prevailing wind which must be free of obstructions that may shade or impede the collector to the extent that it would reduce its cost-effective operation.

SOLAR COLLECTOR - A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR COLLECTOR, ACCESSORY - A device, or combination of devices, structures, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and which is sized and intended to be used for the principal structure to which it is accessory.

SOLAR ENERGY STORAGE FACILITY - Equipment consisting of containers, heat exchangers, piping, and other transfer mechanisms (including fluids, gases, or solids), controls, and related structural support for transporting and storing collected energy (from solar energy systems), including structural elements designed for use in passive solar energy systems.

SOLAR ENERGY SYSTEM - A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SOLAR POWER GENERATION, COMMERCIAL - A facility where one (1) or more solar collectors and/or other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is sold on the open market.

SOLID WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrement or hazardous waste materials as defined in the Code of Federal Regulations, Title 40, Chapter 1, Part 261, dated July 1, 1984, or as amended.

SOLID WASTE PROCESSING FACILITY – Any facility for the compaction, composting, disposal, energy conversion and fuel generation, incineration, processing, shredding, sorting, storage, transfer of solid material, including garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities. Such wastes shall not include biological excrements or hazardous materials as defined in the Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988, and PA Code Chapter 273, as amended, supplemented or revised.

SPECIAL EXCEPTION - A use in a particular zoning district to be allowed or denied by the Zoning Hearing Board pursuant to public notice and hearing and recommendation of the Township Planning Commission as authorized by §603(c)(1) of the Municipalities Planning Code.

SPECIFIED ANATOMICAL AREAS - Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of areolae, and/or human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - For the purposes of this Ordinance, this term shall include any of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- B. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or,
- C. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or,
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- E. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; or,
- F. Erotic or lewd touching, fondling or other contact with an animal by a human being; or,
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.

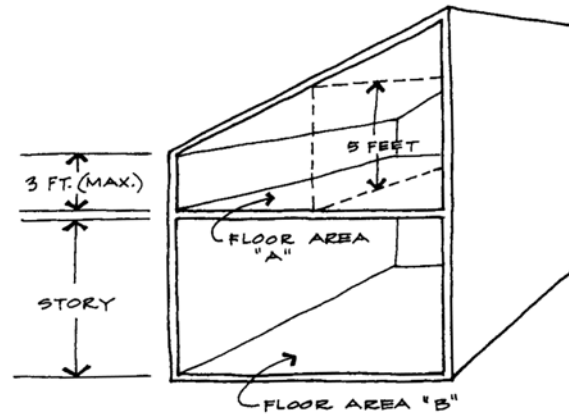
STABLE, COMMERCIAL – [See *Riding Stable Public*]

STABLE, PRIVATE – [See *Riding Stable Private*]

STATE - The Commonwealth of Pennsylvania and its agencies.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above. See definition of *basement*, which specifies when a basement is considered a story.

STORY HALF - A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.



IF FLOOR AREA "A" IS AT LEAST
40% OF FLOOR AREA "B" -
THEN "A" IS A HALF STORY.

STREAM - A natural watercourse. [See *Watercourse*.]

STREET - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. **STREET, ARTERIAL** – A street designed for large volumes of high-speed traffic with access to abutting properties being restricted.
- B. **STREET, COLLECTOR** – A street designed for moderate volumes of fast-moving traffic from local streets to arterial streets with access to abutting properties being restricted.
- C. **STREET, CUL-DE-SAC** – a street that is terminated on one (1) end with a vehicular turnaround area.
- D. **STREET, LOCAL** – A street designed for low volumes of slow-moving traffic that provides access to abutting properties.

STREET ACCESS POINT – The location or place of egress from or access to a street created by a driveway, access drive or other street.

STREET FRONTAGE – [See *Lot Frontage*]

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

- A. STRUCTURE, ACCESSORY - A structure associated with a principal use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, fences, retaining walls, walls, etc.).
- B. STRUCTURE, PRINCIPAL - A structure associated with a principal use. Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, bird feeders, mailboxes, and any other similar nonpermanent improvements.
- C. STRUCTURE TEMPORARY – A structure erected for a period of less than 1 year.

STRUCTURE HEIGHT - A structure's vertical measurement from the mean level of the ground abutting the structure to the highest point of the structure.

SUBDIVISION - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, DE FACTO (NATURAL) - a subdivision of an existing lot described on one (1) deed that is traversed by an existing street (or streets) right(s)-of-way with no required site improvements. The separation of one(1) lot into two (2) or more lots by a street or streets creates individual lots for the purposes of impervious and building coverage requirements.

SUBDIVISION, LOT LINE ADJUSTMENT / LOT ANNEXATION - The temporary creation of a separate lot from an existing lot, and the simultaneous uniting of the created lot with another adjacent existing lot.

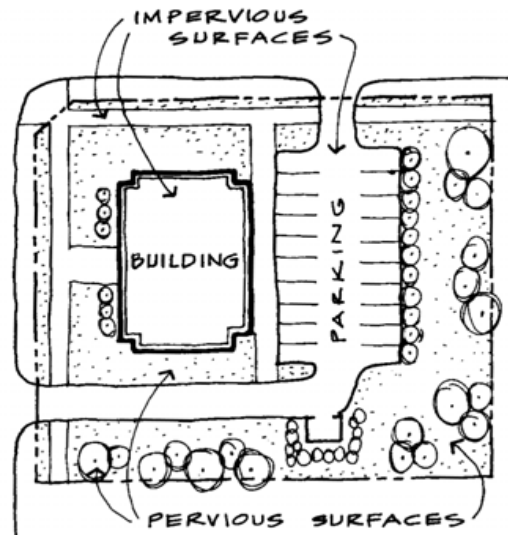
SUBDIVISION, MAJOR - A subdivision not classified as a Minor Subdivision which includes required site improvements.

SUBDIVISION, MINOR - A subdivision in which all lots front on a street with no required site improvements.

SUBDIVISION, REVERSE (LOT ASSEMBLAGE, LOT CONSOLIDATION, LOT COMBINATION) - A plan prepared to join together two (2) or more existing lots into one (1) lot with no required site improvements.

SURFACE, IMPERVIOUS - A structure or layer of material that prevents the passage of water. Impervious surfaces shall include bituminous asphalt pavement, concrete, building roofing material, compacted gravel, sidewalks, driveways, gravel drives, roads, parking areas, compacted fill, and water (including ponds and swimming pools).

SURFACE, PERVIOUS - A structure or layer of material that allows for the passage of water. Pervious surfaces shall include grass or lawn areas, landscaped areas, forest or wooded areas, porous (or pervious, or permeable) pavement and concrete, vegetated (or “green”, or landscaped) building roofs, and all other areas not specifically defined under the term SURFACE, IMPERVIOUS.



SWIMMING POOL - Any pool, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than twenty-four (24) inches. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TATTOO, BODY PIERCING, SCARIFYING, OR BRANDING PARLOR - An establishment engaged in any of the following: (Considered a *Service Establishment* for regulation by this Ordinance.)

- A. The perforation or cutting of any human body part or tissue and the placement of a foreign object in the perforation to prevent the perforation from closing, but not including the use of mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.
- B. The placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. This does not include the practice of permanent makeup and micro-pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.

- C. The cutting or tearing of human skin for the purpose of creating a permanent mark or design on the skin.
- D. The use of heat, cold, or any chemical compound to imprint permanent markings on human skin by any means other than tattooing.

TAVERN - An establishment which serves primarily alcoholic beverages for mostly on premises consumption and which is licensed by the PA Liquor Control Board. Taverns may also serve food.

TEMPORARY CONSTRUCTION BUILDING - A building erected on a lot for temporary use in conjunction with construction on that lot.

THEATER - A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use where patrons are seated in the building, but not including an adult movie theater.

THEATER, DRIVE-IN - An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles, but not including an adult drive-in theater.

TIMBERING (TIMBER HARVESTING) - The cutting down and removal of trees and logs to be converted to any forest product.

TIMESHARING – Any arrangement for sharing ownership of a vacation home, condominium or other interest in realty where each of the joint purchasers may occupy the unit during a specified period each year.

TOWNSHIP - The Township of Towamensing, Carbon County, Pennsylvania.

TRANSIENT - Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

TRAVEL TRAILER – [See *Recreational Vehicle*]

TREATMENT CENTER – A use providing housing facilities for persons who need specialized housing, treatment, and/or counseling because of:

- A. Criminal or juvenile (delinquent, dependent, etc.) rehabilitation, such as a criminal halfway house or treatment/housing center for persons convicted of driving under the influence of alcohol;
- B. Addiction to alcohol or a controlled substance; or
- C. A type of mental illness, criminal history, or other behavior that has caused or could reasonably be expected to cause a person to be a threat to the physical safety of others.

TURBINE HEIGHT – The distance measured from the surface of the tower foundation to the highest point of the turbine rotor blade.

TRUCK OR MOTOR FREIGHT TERMINAL – Any property that is the origin and/or destination point of short and long-distance hauling and/or is used for the purpose of storing, transferring, loading and unloading, in addition to truck parking. This use may be in conjunction with a warehouse business.

UNIFORM CONSTRUCTION CODE (UCC) - The statewide building code adopted by the Pennsylvania General Assembly in 1999, and as amended, applicable to all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted: International Residential Code (IRC) and International Building Code (IBC), International Fire Code (IFC) by reference, International Plumbing Code (IPC), International Mechanical Code (IMC), International Existing Building Code (IEBC), International Energy Conservation Code (IECC), International Fuel Gas Code (IFGC), as the construction standard applicable for construction within the Commonwealth of Pennsylvania. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

URGENT CARE CLINIC – [See *Medical or Dental Clinic*]

USE - The specific purpose for which land or a structure is designed, arranged, intended, occupied or maintained.

- A. **USE, ACCESSORY** - A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.
- B. **USE, PRINCIPAL** - The main purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

UTILITY, PUBLIC OR PRIVATE – Any regulated agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or similar service.

VARIANCE - A modification of the regulations of this Ordinance granted by the Zoning Hearing Board, pursuant to the provisions of this Ordinance and the MPC.

VEHICLE BODY SHOP - A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

VEHICLE REPAIR GARAGE - A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

VEHICLE SERVICE STATION - A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

VEHICLE WASH - A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.

VERNAL POOL - An isolated, contained depression that holds water for at least two (2) months in the spring or summer, critical to several amphibian, reptile and invertebrate species which also provides important storage for stormwater runoff and spring snow melt that would otherwise contribute to downstream flooding.

VETERINARY FACILITY - A building used primarily for the treatment, by a veterinarian, of all types of animals. No boarding of animals is permitted. [See also *Animal Hospital*]

WAREHOUSE – A structure used for storage only of equipment and merchandise.

WASTE – Any material defined as “Waste” in 25 PA Code, Chapter 287, Residual Waste Management – General Provisions (25 PA § 287.1, as amended).

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

WATER FACILITIES - A system for supplying and distributing water on or to a property or structure.

WETLAND - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas and which are defined as such by the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

WHOLESALE ESTABLISHMENT – A business devoted to the sale of commodities in quantity chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use. This definition shall not include what is commonly referred to as “big box retail,” such as Costco, Home Depot, Lowes, Sam’s Club, and the like.

WIND ENERGY FACILITY, LARGE - A facility where one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. A wind turbine accessory to a principal structure which is sized and intended to be used to generate electricity

primarily for the principal structure to which it is accessory shall not be considered a *Wind Energy Facility*.

WIND ENERGY SYSTEM, SMALL - A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and is intended to primarily reduce on-site consumption of utility power. A system is considered a small wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, the utility company may use excess electrical power generated and not presently needed for on-site use.

WIND ENERGY CONVERSION SYSTEM (WECS) - A device such as a wind charger, wind turbine or windmill and/or other electric generation facility whose main purpose is to convert wind power into another form of energy such as electricity or heat, consisting of one (1) or more wind turbine and other structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WINDMILL - A device that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind.

WIND ROTOR - The propeller or blades, plus the hub to which the propeller or blades are attached that are used to capture wind for the purpose of energy conversion. The wind rotor is mounted on a pole, tower or other structural support system along with other generating, electrical and accessory equipment to form a wind energy conversion system.

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.

WOODED AREAS – Areas, groves or stands of trees, 50 percent or less of which are less than twelve (12) inches in caliper measured at 36 inches above ground level, and covering an area greater than one quarter (1/4) Acre.

YARD - The open, unoccupied space on a lot between the lot line and the front, rear and side building lines.

- A. **FRONT YARD:** An unoccupied space, open to the sky, between the front lot line (road right-of-way line) and the building line of the principal building closest to the front lot line. In the case of a corner lot possessing frontage on two or more public streets, the front yard shall mean that yard which is adjacent to the front lot line on the street of address and all other yards abutting streets shall be considered secondary front yards.

- B. **REQUIRED FRONT YARD:** An unoccupied space, open to the sky, extending along the full width of a front lot line between side lot lines and from the front lot line to the front building setback line in depth.
- C. **REQUIRED SECONDARY FRONT YARD:** An unoccupied space, open to the sky, extending along the full width of a secondary front lot line between the side or rear lot lines adjacent to a public street. This secondary front yard shall be the same setback measurement as the front yard in the listed zoning district.
- D. **REAR YARD:** An unoccupied space, open to the sky, between the rear lot line and the building line of the principal building that is closest to the rear lot line.
- E. **REQUIRED REAR YARD:** An unoccupied space, open to the sky, extending across the full width of the lot and lying between the rear lot line and the rear building setback line. Rear yard depth shall be measured at right angles to the rear lot line. In the case of a corner lot possessing frontage on two or more public streets, the rear yard shall be that yard which is opposite and most distant from the front lot line on the street of address.
- F. **SIDE YARD:** An unoccupied space, open to the sky, between the side lot line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.
- G. **REQUIRED SIDE YARD:** An unoccupied space, open to the sky, lying between the side lot line and the nearest side building setback line and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

ZONING HEARING BOARD - The Zoning Hearing Board of and for the Township of Towamensing, Carbon County, Pennsylvania.

ZONING MAP - The Zoning Map of Towamensing Township, adopted hereunder, together with all amendments thereto subsequently adopted.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

ZONING PERMIT - A written statement issued by the Zoning Officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

ARTICLE 3

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 301 LIST OF DISTRICTS

For the purpose of this Ordinance, the territory of Towamensing Township is hereby divided into the following zoning districts:

Base Districts

CR - Conservation Recreation District

RC - Rural Conservation District

R - Residential District

LC - Light Commercial District

HC - Heavy Commercial District

LI - Limited Industrial District

Overlay Districts

AH – Airport Hazard Overlay District

HP - Historic Preservation Overlay District

SECTION 302 OFFICIAL ZONING MAP

The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Secretary and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 3, Section 302 of Ordinance Number 2015-3 of the Township of Towamensing, Carbon County, Pennsylvania," together with the date of the adoption of this Ordinance.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind of any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article 13.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Township Board of Supervisors shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

A. Replacement of the Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of change and additions, the Township Board of Supervisors may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Chairman of the Township Board of Supervisors, attested by the Township Secretary and bearing the seal of the Township under the following words: “ This is to certify that this is the Official Zoning Map, adopted March 16, 2015 as part of Ordinance No. 2015-3 of the Township of Towamensing, Carbon County, Pennsylvania”.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof, remaining shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 303 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the districts shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated, as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated, as approximately following Township limits shall be construed as following Township limits.
- D. Boundaries indicated, as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- E. Boundaries indicated as parallel to or extensions of features indicated in sub-sections A. through D. above shall be so construed.
- F. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical features exist on the ground, are conflicting with those shown on the Official Zoning Map or in circumstances not covered by sub-sections A. through F. above, the Zoning officer shall interpret the district boundaries.

SECTION 304 USE ADJUSTMENT ON DISTRICT BOUNDARIES

Where a district boundary line divides a lot existing at the time of passage of this Ordinance, the Zoning Hearing Board may permit, as a Special Exception, the extension of the district regulations for either portion of the lot to extend for a distance not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

ARTICLE 4

CONFORMANCE REQUIRED

SECTION 401 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height;
 - 2. To accommodate or house a greater number of families or uses;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or
 - 5. In any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any structure or use for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use.
- D. No yard or lot existing at the time of passage of this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other structure or use. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 402 USES NOT PROVIDED FOR

If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a landowner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The use may be permitted if it is of the same general character of the enumerated permitted uses in the zoning district, in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district and shall comply with all performance standards applicable to such permitted uses in the zoning district.

ARTICLE 5

USE AND DISTRICT REGULATIONS

SECTION 501 APPLICABILITY OF REGULATIONS

Except as provided for by law or in this Ordinance, in each zoning district, no building, structure or land shall be used or occupied except for the purposes permitted in Section 505 and for the zoning districts so indicated.

SECTION 502 USES PERMITTED BY RIGHT, SPECIAL EXCEPTION, CONDITIONAL USE OR NOT PERMITTED

- A. A use listed in Section 505 is permitted by Right in any district denoted by the letter "P", subject to such requirements as may be specified in Article 7, and after a Zoning Permit has been issued in accordance with Article 11.
- B. A use listed in Section 505 may be permitted as a Special Exception in any district denoted by the letter "S", provided the Zoning Hearing Board authorizes the issuance of a Zoning Permit by the Zoning Officer, subject to the requirements of Article 7 and this Ordinance and such further restrictions as the Zoning Hearing Board may establish.
- C. A use listed in Section 505 may be permitted as a Conditional Use in any district denoted by the letter "C", provided the Board of Supervisors, having received recommendations from the Planning Commission, grants the Conditional Use, subject to the requirements of Article 7 and the expressed standards of this Ordinance and such further restrictions as the Board of Supervisors may impose to insure protection of the health, safety, and general welfare of the public.
- D. A use listed in Section 505 is not permitted in any district denoted by the letter "N".

SECTION 503 USES SUBJECT TO OTHER REGULATIONS

- A. Uses permitted by Right or as Special Exceptions or Conditional Uses shall be subject, in addition to Use Regulations, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, and to such other provisions as specified in other Articles hereof.
- B. In particular, the laws of the Commonwealth regarding well location and sewage treatment shall be adhered to. Further, NO Zoning Permit shall be issued until all other required permits are approved and issued. Included but not limited to: on

lot or public sewerage, well or public water, township driveway permit, PennDOT Highway Occupancy Permit, Erosion & Sediment Control, National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities, etc.

SECTION 504 TEMPORARY ACCESSORY USES

- A. No garage or other accessory building, partial structure or temporary structure shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by issuance of a temporary Zoning Permit. Such permit shall clearly set forth that the structure proposed is intended for temporary dwelling purposes and that the authorized structure is to be vacated upon the expiration of a specified time limit, not to exceed one (1) year. On receipt of the Zoning Permit, the applicant shall certify that he/she has knowledge of the terms of the permit and the penalty that can be invoked for violation.
- B. Nonconforming temporary buildings or uses incidental to a building development and reasonably required for such development may be granted temporary Zoning Permits according to Section 705 (H6).

SECTION 505 TABLE OF USE REGULATIONS

(To be used in conjunction with detailed regulations in Article 7)

SECTION 505 - TABLE OF USE REGULATIONS

TYPE OF USE BY DISTRICT	CR - Conservation Recreation	RC - Rural Conservation	R - Residential	LC - Light Commercial	HC - Heavy Commercial	LI - Limited Industrial
A - AGRICULTURAL USES						
1. Crop Farming	P	P	P	P	P	P
2. Nursery	P	P	C	P	P	P
3. Greenhouse	P	P	C	P	P	P
4. Animal Husbandry	P	P	C	P	P	P
5. Kennel	C	C	N	C	C	C
6. Aquaculture	P	P	P	C	C	C
7. Riding Club or Riding Stable	P	P	C	C	N	N
8. Noncommercial Keeping of Horses	P	P	C	C	N	N
9. Noncommercial Keeping of Livestock	P	P	P	P	N	P
10. Forestry Activities	P	P	P	P	P	P
11. Agritourism Enterprise	P	P	C	P	N	N
12. Regional Methane Digester System	N	C	N	N	N	N
B - RESIDENTIAL USES						
1. Single-Family Detached	P	P	P	N	N	N
1a. Group Home within a Lawful Dwelling Unit	C	C	C	N	N	N
2. Manufactured Home	C	C	C	N	N	N
3. Conversion	N	P	P	C	C	N
4. Dwelling-In-Combination	N	P	C	C	C	N
5. Single-Family Detached Cluster	N	C	P	N	N	N
6. Performance Standard Subdivision	N	C	P	N	N	N
7. Manufactured Home Park	N	S	N	N	N	N
8. Accessory Apartment	S	S	S	S	S	N
9. Accessory Farm Dwelling	S	S	N	N	N	N
10. Boarding House (Rooming House)	N	N	N	S	S	N
11. ECHO Housing	S	S	S	N	N	N
12. Seasonal Residence	P	P	P	N	N	N
P = Permitted by Right in the Zoning District; S = Permitted by Special Exception; C = Permitted by Conditional Use; N = Not Permitted in the Zoning District						

SECTION 505 - TABLE OF USE REGULATIONS

TYPE OF USE BY DISTRICT	CR - Conservation Recreation	RC - Rural Conservation	R - Residential	LC - Light Commercial	HC - Heavy Commercial	LI - Limited Industrial
C - INSTITUTIONAL AND RECREATIONAL USES						
1. Place Of Worship	S	S	S	S	S	S
2. School	S	S	S	S	S	S
3. Commercial School	N	S	N	S	P	N
4. Library	S	S	S	S	S	S
5. Public Recreational Facility	P	P	C	P	P	N
6. Private Recreational Facility - Outdoor	C	C	C	C	C	N
6a. Private Recreational Facility - Indoor	C	C	C	C	C	N
7. Golf Course	P	P	N	N	N	N
8. Private Club/Lodge	S	S	N	P	P	N
9. Community Center	N	C	N	P	P	N
10. Child Day Care Center - Principal Use	N	C	N	C	N	N
11. Nursing Home	N	C	C	N	N	N
12. Personal Care Home	N	C	C	N	N	N
13. Cemetery	N	P	P	P	N	N
14. Campground	S	S	N	N	N	N
15. Municipal Use	P	P	P	P	P	P
16. Treatment Center	N	N	N	C	C	N
17. Adult Day Care Center	N	C	N	C	N	N
18. Police or Fire Station	C	C	N	P	P	P
19. Off-Road Vehicle Track	N	N	N	N	C	N
20. Shooting Range Outdoor	C	C	N	P	P	N
20a. Shooting Range Indoor	P	P	N	P	P	N
22. Amusement/Video Arcade/Pool/Billiard Hall	N	N	N	C	C	N
23. Continuing Care Retirement Community	N	P	C	N	N	N
24. Hospital, Urgent, or Immediate Care Clinic	N	N	N	C	C	N
25. Resort	C	N	N	N	N	N
26. Crematorium	N	P	P	P	N	N

SECTION 505 - TABLE OF USE REGULATIONS

TYPE OF USE BY DISTRICT	CR - Conservation Recreation	RC - Rural Conservation	R - Residential	LC - Light Commercial	HC - Heavy Commercial	LI - Limited Industrial
D - OFFICE USES						
1. Neighborhood Office	N	N	N	P	P	P
E - RETAIL AND CONSUMER SERVICES USES						
1. Retail Store or Sales	N	N	N	P	P	S
2. Service Business	N	N	N	P	P	N
3. Financial Establishment	N	N	N	P	P	N
4. Eating Place (Sit Down Restaurant)	N	N	N	P	P	N
5. Other Eating Places (Fast Food)	N	N	N	N	P	N
6. Repair Shop	N	C	N	P	P	P
7. Upholsterer	N	N	N	P	P	N
8. Funeral Home	N	P	N	P	P	N
9. Hotel	N	N	N	N	P	N
10. Bed and Breakfast Establishment	P	P	P	P	P	N
11. Entertainment, Indoor	N	N	N	N	P	N
12. Entertainment, Outdoor	N	N	N	N	P	N
13. Tavern	N	N	N	C	C	N
14. Lumber Yard	N	N	N	N	P	N
15. Veterinarian Facility (Animal Hospital)	N	P	N	P	P	N
16. Service Station with or without Gas Pumps	N	N	N	P	P	N
17. Automobile and Truck Sales	N	N	N	P	P	N
18. Automobile and Truck Repair	N	N	N	P	P	N
19. RESERVED						
20. Shopping Center	N	N	N	N	P	N
21. Adult Entertainment Establishments	N	N	N	S	S	N
22. Self-Service Storage Facility	N	N	N	C	C	N
23. Farm Implement Sales and Service	N	N	N	P	P	N
24. Antiques, Flea and/or Farmers Market	N	N	N	P	P	N
25. Convenience Store	N	N	N	P	P	N
26. Drive-thru Facilities	N	N	N	N	N	P
27. Micro Brew	N	N	N	C	C	N

SECTION 505 - TABLE OF USE REGULATIONS

TYPE OF USE BY DISTRICT	CR - Conservation Recreation	RC - Rural Conservation	R - Residential	LC - Light Commercial	HC - Heavy Commercial	LI - Limited Industrial
F - UTILITY, SERVICE AND TRANSPORTATION USES						
1. Utility Station	P	P	C	P	P	P
2. Emergency Services	C	C	N	P	P	P
3. Terminal	N	N	N	P	P	N
4. Incinerators and Landfills	N	N	N	N	N	P
5. Communication Tower	C	C	C	C	C	C
6. Communication Antenna	P	P	P	P	P	P
7. Solar Farm	N	C	N	P	P	N
8. Large Wind Energy Production Facility (Wind Farm)	N	C	N	N	P	N
9. Airport	N	C	N	N	N	N
10. Heliport	N	C	N	N	C	C
G - INDUSTRIAL USES						
1. Manufacturing - 100,000 SF or Less	N	N	N	N	N	P
1a. Manufacturing - More than 100,000 SF	N	N	N	N	N	P
2. Research	N	N	N	N	N	P
3. Wholesale Business, Wholesale Storage, Warehousing - 100,000 SF or Less	N	N	N	N	P	P
3a. Wholesale Business, Wholesale Storage, Warehousing - > 100,000 SF	N	N	N	N	P	P
4. Printing	N	N	N	P	P	P
5. Truck (or Motor Freight) Terminal	N	N	N	N	N	P
6. Planning Mill	N	C	N	C	C	P
7. Mill	N	C	N	C	C	P
8. Junkyard	N	N	N	N	N	S
9. Extractive Operation	N	C	N	C	C	C
10. Oil and Gas Operations	N	P	N	N	N	N
11. Waste Operations	N	N	N	N	N	S

SECTION 505 - TABLE OF USE REGULATIONS

TYPE OF USE BY DISTRICT	CR - Conservation Recreation	RC - Rural Conservation	R - Residential	LC - Light Commercial	HC - Heavy Commercial	LI - Limited Industrial
H - ACCESSORY USES						
1. Home Occupation	P	P	P	P	P	N
2. Accessory Office	P	P	P	P	P	P
3. Residential Accessory Building	P	P	P	P	P	N
4. Dormitory	N	S	S	S	P	N
5. Outside Storage Or Display	P	P	N	P	P	P
6. Temporary Structure	P	P	P	P	P	P
7. Off-Street Parking	P	P	P	P	P	P
8. Signs	P	P	P	P	P	P
9. Farm Uses	P	P	P	P	P	P
10. Child Day Care Center - Accessory to Residential Use	P	P	C	P	P	N
11. Wind Turbine	C	C	C	C	C	C
12. No Impact Home-Based Business	P	P	P	P	P	P
13. Accessory Solar Systems	P	P	P	P	P	P
14. Accessory Methane Digester System	P	P	N	N	N	N

P = Permitted by Right in the Zoning District; **S** = Permitted by Special Exception; **C** = Permitted by Conditional Use; **N** = Not Permitted in the Zoning District

SECTION 506 COMPLIANCE

All uses and activities established after the effective date of this Ordinance shall comply with Sections 507 through 509 and the application sections in Article 7.

SECTION 507 SITE CAPACITY CALCULATIONS

The following calculations are required of the developer to determine the net buildable site area, the maximum number of dwelling units, the maximum impervious surface and the required open space for (B5) Single Family Detached Clusters, (B6) Performance Standard Subdivisions, and (B7) Manufactured Home Parks:

A. Net buildable site area shall not include any of the following classes of land:

1. Land which is not contiguous or land which is cut from the parcel by a street or railroad.
2. Lands shown on previous subdivision or land development plans as reserved from development for open space.
3. Land unusable by virtue of environmental protection.

B. For calculating the net buildable site area, the following form should be used:

1. Base Site Area

To calculate the base site area subtract existing street and utility rights-of-way and lands in (1) and (2) above from the total site area.

Total Site Area	_____ acres
	(-) _____ acres
Base Site Area	(=) _____ acres

2. Land with Resource Restrictions and Resource Protection Land

Calculate the land with resource restrictions and the resource protection land. In the event that two (2) or more resources overlap, only the resource with the highest open space ratio shall be used in the calculations.

<u>Resource</u>	<u>Open Space Ratio</u>	<u>Acres of Land In Resources</u>	<u>Resource Protection Land (Acres x Open Space Ratio)</u>
Floodplains	1.00		
Floodplain Soils	1.00		
Steep Slopes			
8-15%	0.60		
15-25%	0.70		
25% or more	0.85		
Forest and Wooded Areas	0.80		
Lakes, Ponds or Watercourses	1.00		
Wetlands	1.00		
Lake Shore	0.70		
Pond Shore	0.80		
Land with Resource Restrictions			_____ acres
Resource Protection Land			_____ acres

3. Recreation Land

Calculate land for recreation.

Base Site Area	_____ acres
Subtract Land with Resources Restrictions	(-) _____ acres
Remainder	_____ acres
Multiply by 1/3 Minimum Open Space Ratio	(x) _____ (Section 508)
Recreation Land	(=) _____ acres

4. Combine Resource Protection Land and Recreation Land

Resource Protection Land	_____ acres
Add Recreation Land	(+) _____ acres
Resource Protection and Recreation Land	(=) _____ acres

5. Standard Minimum Open Space

Calculate the Standard Minimum Open Space

Base Site Area	_____ acres
Multiply by Minimum Open Space Ratio	(x) _____ (Section 508)
Standard Minimum Open Space	(=) _____ acres

6. Unusable Land

Calculate the Unusable Land. (If the Resource Protection and Recreation Land is less than the Standard Minimum Open Space, there is no Unusable Land. If the Resource Protection and Recreation Land is greater than the Standard Minimum Open Space, the Unusable Land is the difference.

Resource Protection and Recreation Land	_____ acres
Subtract Standard Minimum Open Space	(-) _____ acres
Unusable Land (enter zero if the calculation is less than zero)	(=) _____ acres

7. Net Buildable Site Area

Subtract the Unusable Land from the Base Site Area

Base Site Area	_____ acres
Subtract Unusable Land	(-) _____ acres
Net Buildable Site Area	(=) _____ acres

8. Number of Dwelling Units

To calculate the maximum number of dwelling units, multiply the Net Buildable Site Area by the Maximum Density. For nonresidential uses, skip to subsection (9).

Net Buildable Site Area	_____ acres
Multiply by Maximum Density	(x) _____ (Section 508)
Number of Dwelling Units	(=) _____ dwellings

9. Impervious Surfaces

To calculate the maximum area of impervious surface, multiply the Net Buildable Site Area by the Maximum Impervious Surface Ratio

Net Buildable Site Area	_____ acres
Multiply by Maximum Impervious Surface Ratio	(x) _____ (Section 508)
Impervious Surfaces	(=) _____ acres

10. Buildable Portion of the Site

To calculate the Buildable Portion of the Site, subtract the Resource Protection and Recreation Land or the Standard Minimum Open Space (whichever is greater) from the Base Site Area.

Base Site Area	_____ acres
Subtract Resource Protection and Recreation Land or Standard Minimum Open Space, whichever is greater	(-) _____ acres
Buildable Portion of the Site	(=) _____ acres

11. Site Capacity Summary

Maximum Number of Dwelling Units	_____ dwellings
Maximum Impervious Surfaces	_____ acres
Buildable Portion of the Site	_____ acres
Open Space (Resource Protection and Recreation Land or Standard Minimum Open Space, whichever is greater)	_____ acres

SECTION 508 TABLE OF SITE STANDARDS

The following table establishes the site standards for the various zoning districts. All of the applicable standards for a zoning district shall be met. If, after doing the calculations in the preceding section, one or more of the calculated standards or the standards in any other section of this Ordinance is greater than this table, the strictest standard shall govern.

	Minimum Open Space Ratio	Maximum Density DU/Acre	Maximum Impervious Surface Ratio	Minimum Lot Size
R District				
Single-Family**		0.85	0.25	1 Acre
Single-Family Cluster**	0.25	0.85	0.20	10 Acres
Performance Standard**	0.55	2.75	0.22	5 Acres
RC District				
Single-Family**		0.25	0.15	3 Acres
Single-Family Cluster**	0.50	0.90	0.10	10 Acres
Performance Standard**	0.80	1.11	0.11	10 Acres
CR District				
Single-Family**		0.25	0.15	10 Acres
LC District – All Permitted Uses** (Note 1)				
			0.80	1 Acre
HC District – All Permitted Uses**				
			0.85	1 Acre
LI District – All Permitted Uses**				
			0.60	1 Acre
* Unless otherwise specified in Article 7 Note 1: All residential dwelling units in the LC District shall follow the requirements for the RC District				

- A. Minimum Open Space Ratio - For uses where this is applicable, the figure in the column shall be the minimum amount of open space provided. However, if, in doing the calculations in Section 507, the open space ratio in Subsection (5) is greater than the standard in this column, then the greater shall become the minimum required.
- B. Maximum Density DU/Acre - The number in this column shall be the maximum allowable density for residential uses. The number may be increased only under the provisions of Section 602.
- C. Maximum Impervious Surface Ratio – This number shall be the maximum amount of impervious surface for a use or development.
- D. Minimum Lot Size – This column refers to the minimum area for each individual single-family or nonresidential use. This column refers to the average lot size in single-family cluster uses.

SECTION 509 DIMENSIONAL AND AREA REQUIREMENTS

Where minimum yard requirements, maximum floor area ratios, minimum lot width requirements, or maximum building height regulations are not listed in Article 7 for a specific use, the following requirements shall apply:

	Minimum Front Yards*	Minimum Side Yards	Minimum Rear Yards*	Minimum Lot Width	Maximum Building Height**
R	40	20	40	150	50
RC	40	40	50	150	50
CR	40	40	50	150	50
LC	40	20	40	250	50
HC	40	20	40	250	50
LI	50	25	40	150	50
* Exceptions to yard requirements – See Article 6.					
** Agricultural buildings are exempt except for the setback requirements.					

SECTION 510 THRESHOLD CRITERIA FOR PERFORMANCE STANDARD SUBDIVISIONS

Where the developer of a parcel of land wishes to develop a property under the more intensive criteria of a Performance Standard Subdivision, and at the greater densities allowed in a Performance Standard Subdivision, the following minimum design standards will be required:

- A. A central water system shall be provided by the developer to the standards of the PA DEP with storage tanks and line sizes sufficient to meet the standards of the National Fire Protection Association. Potable water delivered through such a system shall be tested periodically, shall be chlorinated and filtered, as appropriate, according to the rules of the PA DEP.
- B. Central sewers shall be installed according to an approved plan of the Township, and as permitted by the PA DEP. The Township allows and does encourage the installation of central sewer systems, which are designed to release treated effluent into subsurface seepage beds. However, stream discharge of treated effluent will also be permitted where it is approvable by the PA DEP. Where subsurface seepage beds for treated effluent are to be used, there shall be at least two (2) permissible sites for the location of the seepage beds within the Performance Subdivision. Where surface discharge of treated effluent is proposed, the volume of the discharge will be counted against any storm water limitation imposed on the subdivision.
- C. All streets, access drives, and parking areas shall be constructed according to standards as per the Township Subdivision and Land Development Ordinance. All required improvements shall be maintained by an approved Property Owners’

Association, Condominium Association, or other legal entity approved by the Township after installation.

- D. Land required for all utilities shall be permanently set aside but will be counted as the open space set aside in designing the subdivision, not as the buildable area. The subdivider may designate at the time of subdivision that, after the subtraction of land required for recreation and the dedication of land required for all utilities, the remaining open space may be active farmland in the possession of the subdivider, his/her grantees or assigns; however, without the right of further subdivision, and subject to whatever additional setback requirements that the Township may require. The subdivider shall record a covenant which shall run with the land, restricting its use to agricultural use as set forth in Sections 705 (A1) through 705 (A7).

SECTION 511 TABLE OF DWELLING UNIT MIX

All Performance Standard Subdivisions shall conform to the minimum standards for mix and dwelling unit types as set forth below. Allowable dwelling types are those designated in Sections 705 (B6)1. through 705 (B6)9.

Number of Dwelling Units In Development	Minimum Number of Dwelling Unit Types	Maximum Percent Any Type	Minimum Percent Any Type
1 - 119	2	60	20
120 - 299	3	60	15
300 - 499	4	40	10
500 or more	5	40	5

SECTION 512 AIRPORT HAZARD OVERLAY DISTRICT (AH)

A. Purpose

The purpose of this Section is to create a zoning overlay district that considers safety issues around the Beltzville Airport, regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.

B. Relation to Other Zoning Districts

The Airport Hazard Overlay District shall not modify the boundaries of any underlying zoning district. Where identified, the Airport District Overlay shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.

C. Definitions

The following words and phrases when used in this Section shall have the meaning given to them in this Section unless the context clearly indicates otherwise.

1. Airport - Beltzville Airport
2. Airport Elevation - The highest point of an airport's useable landing area measured in feet above sea level. The airport elevation of the Beltzville Airport is 899 feet above mean sea level.
3. Airport Hazard - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.
4. Airport Hazard Area - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Section and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).
5. Approach Surface (Zone) - An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 1, is derived from the approach surface.

6. Conical Surface (Zone) - An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 1, is based on the conical surface.
7. Department - Pennsylvania Department of Transportation.
8. FAA - Federal Aviation Administration of the United States Department of Transportation.
9. Height - For the purpose of determining the height limits in all zones set forth in this Section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
10. Horizontal Surface (Zone) - An imaginary plane 150 feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 1, is derived from the horizontal surface.
11. Larger Than Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
12. Nonconforming Use - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Section or an amendment thereto.
13. Non-Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
14. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Section.
15. Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. Primary Surface (Zone) - An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the

runway centerline. The primary surface zone, as shown on Figure 1, is derived from the primary surface.

17. Runway - A defined area of an airport prepared for landing and takeoff of aircraft along its length.
18. Structure - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
19. Transitional Surface (Zone) - An imaginary surface that extends outward and upward from the edge of the primary surface to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 1, is derived from the transitional surface.
20. Tree - Any object of natural growth.
21. Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
22. Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.

D. Establishment of Airport Zones

There are hereby created and established certain zones within the Airport Hazard Overlay District, defined in Section 512 C. and depicted on Figure 1 and illustrated on the Beltzville Airport Hazard Area Map, hereby adopted as part of this Ordinance, which includes:

1. Approach Surface Zone
2. Conical Surface Zone
3. Horizontal Surface Zone
4. Primary Surface Zone
5. Transitional Surface Zone

E. Permit Applications

As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Department's Bureau of Aviation (BOA) by submitting PENN DOT Form AV-57 to obtain an obstruction review of the proposal at least 30 days prior to

commencement thereof. The Department's BOA response must be included with this permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of this Airport Hazard Overlay District. If the Department's BOA returns a determination of a penetration of airspace, the permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Section 512 F.

No permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

F. Variances

Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:

1. No Objection - The subject construction is determined not to exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
2. Conditional Determination - The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Section 512 I. - Obstruction Marking and Lighting.
3. Objectionable - The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.

Such requests for variances shall be granted where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Section.

G. Use Restrictions

Notwithstanding any other provisions of this Section, no use shall be made of land or water within the Airport Hazard Overlay District in such a manner as to create electrical interference with navigational signals or radio communications

between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Airport.

H. Pre-Existing Non-Conforming Uses

The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a non-conforming use. No non-conforming use shall be structurally altered or permitted to grow higher, so as to increase the non-conformity, and a non-conforming use, once substantially abated (subject to the underlying zoning district) may only be reestablished consistent with the provisions herein.

I. Obstruction Marking and Lighting

Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in Section 512 F. to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.

J. Violations and Penalties

It shall be the duty of the Zoning Officer of Towamensing Township to administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the Zoning Officer of Towamensing Township on a form published for that purpose. Applications required by this Section to be submitted to the Zoning Officer of Towamensing Township shall be promptly considered and granted or denied. Application for action by the Zoning Hearing Board shall be forthwith transmitted by the Zoning Officer of Towamensing Township.

K. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

L. Appeals

Appeals to actions taken under this Section shall be pursued in accordance with the provisions of this Ordinance.

FIGURE 1 / MAPS HERE -1

FIGURE 1 / MAPS HERE -2

FIGURE 1 / MAPS HERE -3

FIGURE 1 / MAPS HERE -4

SECTION 513 HISTORIC PRESERVATION OVERLAY DISTRICT (HP)

A. Purpose

The purpose of this Section is to create a Historic Preservation Overlay District to promote the general welfare of Towamensing Township through the following goals:

1. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.
2. To establish a clear process by which proposed changes affecting historic resources are reviewed by the Towamensing Township Historic Commission ("Historic Commission") and the Board of Supervisors.
3. To mitigate the negative effects of proposed changes affecting historic resources.
4. To encourage the continued used of historic resources and facilitate their appropriate reuse.
5. To encourage the preservation of historic settings and landscapes.
6. To discourage the demolition of historic resources.
7. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC): Section 603(b)(5), Section 603(g)(2), Section 604(1) and Section 605(2)(vi).

B. Applicability

1. Boundaries The Historic Preservation Overlay District shall include all parcels within the geographic boundaries of Towamensing Township. An inventory of historic resources shall be conducted and a list of those resources shall be incorporated herein by reference. The overlay district shall include each parcel listed on the historic resource inventory.
 - a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of the overlay district and the underlying zoning district, the provision that is most restrictive shall apply.

- b. Should the boundaries of the overlay district be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
2. Covenants and Easements It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

C. General Provisions

1. Identification The Historic Resources Inventory shall contain a listing of parcels within the Historic Preservation Overlay District that contain one or more historic resources.

A historic resource shall be classified as: Class 1) a structure that is at least 100 years old and is a good example of a type or style or that has local, state or national significance; Class 2) a structure that contributes to the character or the fabric of the community or serves as an illustration of the history of Towamensing Township. (Class 2 structures may be less than 100 years old); Class 3) a structure that has been renovated or modified to the point that it has lost its historical integrity but would otherwise be in Class 1 or 2; and Class 4) the site or ruins of a historic structure or event; for example, a former post office or a battlefield.

The Historic Resources Inventory shall identify every historic resource by tax parcel number. The street address, owner's name, type of resource and category of each resource shall also be included in the list.

2. Compliance Changes to any class of buildings shall occur only when in compliance with the terms of this Section and other applicable regulations.
3. Revisions The Historic Resource Inventory may be revised from time to time by resolution of the Board of Supervisors (with recommendations from the Historic Commission) following a public hearing. Revisions are defined as additions, deletions, or changes of classifications. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred to the building.

D. Demolition, Removal or Relocation of Historic Resources

1. General Requirements All applications for demolition, removal or relocation of a structure shall be reviewed against the Historic Resource Inventory. Except for emergency demolitions, no historic resource shall be demolished, removed or relocated unless a permit is obtained from the Zoning Officer in accordance with the provisions of this section. An "emergency demolition" shall be a demolition of a building or structure

which due to its condition poses a real and immediate threat of injury to a person or property.

2. Application Procedures One copy of a properly completed application for demolition, removal or relocation shall be forwarded to the Zoning Officer along with:
 - a. name, address and phone number of owner of record;
 - b. classification of historic resource;
 - c. recent interior and exterior photographs of the resource proposed for demolition;
 - d. a site plan showing all buildings and natural features on the lot;
 - e. an explanation of the reasons for the demolition, removal or relocation;
 - f. method of demolition, removal or relocation;
 - g. proposed use for the lot;
 - h. proposed disposition of materials; and
 - i. timeline for implementation of proposed use for the parcel.
3. Review by Towamensing Township Historic Commission The Zoning Officer shall notify the Historic Commission of the application for demolition within five (5) days of acceptance of a properly completed application, including the necessary filing fee. Within forty-five (45) days of receipt of a complete application, at its next regular meeting or at a special advertised meeting, whichever occurs earliest, the Historic Commission shall review the application for demolition, removal or relocation. The applicant shall be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition, removal or relocation. In reviewing the application, the Historic Commission shall take into account the purpose of this Section as set forth in Section A above and the following:
 - a. It is not feasible to continue the current use.
 - b. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.

- c. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
- d. The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
- e. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
- f. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
- g. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
- h. The building is structurally unsound.
- i. The denial or demolition would result in unreasonable economic hardship to the owner.
- j. Sale of the building or structure is impossible or impractical.
- k. Denial of demolition will deprive the property as a whole of all beneficial use.

4. Recommendation of the Towamensing Township Historic Commission

- a. The Historic Commission may recommend immediate approval of the permit and may so advise both the Zoning Officer and the Board of Supervisors; or,
- b. The Historic Commission may elect to recommend that the permit not be approved for a period not to exceed ninety (90) days to enable the applicant to obtain a grant or low interest loan to rehabilitate or refurbish the historic resource, or otherwise reconsider his or her decision to demolish, remove or relocate the historic resource, and so advise both the Zoning Officer and the Township Board of Supervisors.

5. Issuance of Permit Except as set forth in paragraph 6 below, if the Historic Commission does not recommend immediate approval of the permit, then at the end of the ninety (90) day review period (or such shorter a period as may be recommended by the Historic Commission) the Zoning Officer shall issue the permit.
6. Enforcement In addition to the enforcement provisions found in Articles 11 and 13 of this Ordinance, the Board of Supervisors may authorize action to withhold issuance of any and all zoning and building permits for a period of up to two (2) years for any property that at the time of the enactment of these provisions, was occupied by a historic resource that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein.

In addition, the Board of Supervisors may take other appropriate legal action which may include equitable and injunctive relief, to enforce the provisions of this Ordinance.

ARTICLE 6

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 601 APPLICABILITY

The provisions of this Article shall apply to all uses, development, and structures in the Township, regardless of district, and shall be considered as additional conditions or restrictions to any other provisions in this Ordinance. To the extent anything contained in this Article conflicts with any other provision of this Ordinance, the most stringent and restrictive provision shall apply.

SECTION 602 ENVIRONMENTAL PERFORMANCE STANDARDS

Site alterations regarding filling or clearing of vegetation by a developer or builder which would violate the following standards shall be a violation of this Ordinance. The developer shall determine the presence of environmental or natural features on the site and shall meet the following standards of environmental protection:

- A. Floodplains – (See Current Towamensing Township Floodplain Ordinance)
- B. Steep Slopes – In areas of steep slopes, i.e., those above 8%, the following standards shall apply:
 - 1. 8-15% - no more than 40% of such areas shall be developed and/or regraded or stripped of vegetation.
 - 2. 15-25% - no more than 30% of such areas shall be developed and/or regraded or stripped of vegetation.
 - 3. 25% or more - no more than 15% of such areas shall be developed and/or regraded or stripped of vegetation.
- C. Forest – No more than 50% of any forest land may be cleared during development. The remaining 50% shall remain in a forested state.
- D. Lakes, Ponds, Wetlands or Watercourses – These areas shall be left as permanent open space. No development, filling, piping, or diverting shall be permitted unless appropriate permits from the applicable agencies are obtained and copies provided to the Township.
- E. Lake Shorelines – The shorelines of lakes, to a distance of three hundred (300) feet from the shorelines, shall contain no more than ten (10) percent impervious surfaces. At least seventy (70) percent shall remain permanent open space.

- F. Pond Shorelines - The shorelines of ponds, to a distance of one hundred (100) feet from the shorelines, shall contain no more than ten (10) percent impervious surfaces. At least seventy (70) percent shall remain permanent open space.
- G. Stormwater – All developments shall control stormwater runoff in accordance with the requirements of the Towamensing Township Subdivision and Land Development Ordinance.
- H. Erosion and Sediment Control – No changes shall be made in the contour of the land; no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover of the land shall be commenced within a proposed subdivision or land development tract until such time that a plan for minimizing erosion and sedimentation has been reviewed and deemed adequate by the Carbon County Conservation District.
- I. Soil Suitability for On-Site Disposal – In accordance with the PA DEP and the Township Sewage Enforcement Officer.

SECTION 603 BUFFER YARDS

- A. Buffer yards are required for:
 - 1. Performance Standard Subdivisions (B6);
 - 2. Manufactured Home Parks (B7);
 - 3. Golf Courses (C7);
 - 4. All uses in the LC and HC Districts (except A-Agricultural Uses), and uses in the LI District where they abut any use in the CR, RC, or R Districts (except A-Agricultural Uses); and
 - 5. Extractive Operations (G9)
- B. For Performance Standard Subdivisions, the required buffer yard width is thirty (30) feet. For all other buffer yards, the required width is fifty (50) feet.
- C. The buffer yard shall be measured from the property boundary line or a street right-of-way line.
- D. The portion of the lot area containing the buffer yard must be in addition to the required minimum lot setbacks.
- E. Driveways, access drives and streets, and sidewalks, are allowed in the buffer yard provided that they cross through the buffer yard perpendicularly. No other structures, besides fences, are allowed within the buffer yard.

- F. No storage of materials shall be permitted in the buffer yard.
- G. A plan shall be submitted which demonstrates that a complete visual screen will be provided within the buffer yard. The following two (2) methods, which may be used in combination, are acceptable for the complete visual screen;
 - 1. Plant Material
 - a. Plant materials shall be selected so that a complete visual screen at least eight (8) feet high will be provided within one (1) year after planting.
 - b. Existing plant materials may be utilized within the required buffer yard area as the necessary screening.
 - c. The plant materials shall be so placed so that at maturity they will not be closer than five (5) feet from any property boundary line or street right-of-way line.
 - d. Plant materials may consist of a combination of trees, shrubs, and herbaceous plants. The plan shall show the type, number, and spacing of all plant materials.
 - 2. Fencing - All fencing must be at least eight (8) feet in height.
- H. Screening is not required within buffer yards at locations of utility line crossings, or within existing or proposed utility easements.
- I. All buffer yards shall be permanently maintained and kept clean of all debris, rubbish, weeds and tall grass.
- J. Screening within buffer yards shall be permanently maintained. Any screen planting which dies or any section of fence, which falls over and/or fails to screen as intended, shall be replaced within six (6) months.
- K. Applicability of the buffer yard requirements of this Ordinance shall apply to anyone applying for a permit pursuant to Article 11 of this Ordinance where a use already exists on an adjoining property. A use on an adjoining property shall be considered to exist at the chronological time a permit is issued for that particular use. For the purposes of this section only, construction of a building for which a permit has been issued must have commenced within twelve (12) months of the building permit issuance and must have been completed within eighteen (18) months of the permit issuance or the permit. If not, then the permit will lapse and a new permit must be applied for subject to all of the requirements of Section 603.

SECTION 604 WOOD BURNING STOVES

A. Definitions

1. Clean Wood – Wood that does not have paint, stains, or other types of coatings, and wood that has not been treated with substances, including but not limited to, copper arsenate, creosote, or pentachlorophenol, and wood pellets made from clean wood.
2. Outdoor Wood-Fired Burner/Furnace – A fuel burning device designed to (1) burn wood or other manufacturer approved fuel products (i.e. corn and coal); (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.
3. Stack or Chimney – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above the roof.

B. Permit Required - Any person desiring to install an outdoor wood-fired burner/furnace within Towamensing Township shall obtain a permit from the Zoning Officer and shall pay a permit fee.

C. Suspension of Permit - To protect the public health, safety and welfare of the residents of Towamensing Township, a permit issued pursuant to this Ordinance may be suspended by the Code Enforcement Officer, if any of the following conditions occur:

1. Malodorous air contaminants from the Outdoor Wood-Fired Burner/Furnace are detectable outside the property of the person on whose land the Outdoor Wood-Fired Burner/Furnace is located;
2. The emission from the Outdoor Wood-Fired Burner/Furnace interferes with the reasonable enjoyment of life on neighboring property;
3. The emissions from the Outdoor Wood-Fired Burner/Furnace cause damage to vegetation on neighboring property;
4. The emissions from the Outdoor Wood-Fired Burner/Furnace are or may be harmful to human or animal health;
5. The burning of any material referenced in Section 604 E.2.

A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur.

D. Installation of Wood Fired Burner/Furnace - Any person desiring to install an outdoor wood-fired burner/furnace within the municipality shall obtain a permit from the Code Enforcement Officer. The applicant for such a permit shall meet the following requirements:

1. Present a plan showing all property lines, the locations and distances of all dwellings or occupied buildings on adjoining properties, and the proposed location of the outdoor wood-fired burner/furnace.
2. Locate the outdoor wood-fired burner/furnace at least two hundred and fifty (250) feet from any occupied structure not located on the lot on which the outdoor wood-fired burner/furnace will be located.
3. Locate the outdoor wood-fired/furnace at least 150 feet (150') from all property lines.
4. The chimney (stack) of any new outdoor wood-fired burner/furnace shall extend at least two (2) feet above the peak of the building it serves and any occupied principal building not served by the outdoor wood-fired burner/furnace located within two hundred and fifty (250) feet of such outdoor wood-fired burner/furnace and shall comply with the manufacturer's specifications.
5. Provide a copy of the manufacturer's specifications and instructions, which the applicant agrees to comply with and not alter at any time.

E. Use of Wood Fired Burner/Furnace

1. The only substance that may be burned in a Wood-Fired Burner/Furnace is clean wood (see definition, Section 604 A. of this Ordinance).
2. No person shall burn any of the following in an Outdoor Wood-Burner/Furnace:
 - a. Any wood that does not meet the definition of clean wood.
 - b. Tires.
 - c. Lawn clippings or yard waste.
 - d. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - e. Materials containing plastic.
 - f. Materials containing rubber.
 - g. Waste petroleum products.
 - h. Paint and paint thinners.
 - i. Any type of paper/cardboard.
 - j. Construction and demolitions debris (such as shingles).
 - k. Plywood or other composite wood products.

- l. Particleboard.
 - m. Manure.
 - n. Animal carcasses.
 - o. Asphalt products.
 - p. Used cooking oils.
- 3. The Outdoor Wood-Fired Burner/Furnace shall at all times be operated and maintained in accordance with the manufacturer's specifications.
 - 4. The Outdoor Wood-Fired Burner/Furnace shall be maintained and operated in compliance with all emissions and air quality standards promulgated by the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or other relevant state or federal agency.
 - 5. Any ash or other by-products from the operation of the Wood-Fired Burner/Furnace shall be disposed of in accordance with all applicable laws.
- F. Replacement of Wood Fired Burner/Furnace - If a Wood-Fired Burner/Furnace is replaced or upgraded, a permit shall be required pursuant to Section 604 B., and shall comply with all sections of the Ordinance and the manufacturer's installation requirements.
 - G. Operation Schedule - Outdoor Wood-Fired Burners/Furnaces shall be operated only between October 1st and May 31st.

SECTION 605 NOISE

- A. The ambient sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels listed in the tables shown in 605 C. The sound pressure level or ambient level is the all-encompassing noise association within a given environment, being a composite of sounds from any source, near and far. For the purpose of this Ordinance, ambient noise level is the average over fifteen (15) minutes of the alleged offensive noise, excluding random or intermittent noises.
- B. Averaging may be done by instrument analysis in accordance with American National Standard S.13-1971, or may be done manually, as follows:
 - 1. Observe a sound level meter for five (5) seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.

2. Repeat the observations as many times as necessary to provide that observations are made at the beginning and at the end of the fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest indication and the highest indication.
 3. Calculate the arithmetical average of the observed central tendency indications.
- C. It shall be unlawful for any person to operate any fixed machinery or equipment or similar mechanical device in any manner so as to create any noise which would cause the noise level, measured at the property line of the property affected by the noise emission, in excess of the following:

Zoning District	Time Period	Sound Level DBA
R, RC, CR	Anytime	80
HC, LC, I	Anytime	110

If the measurement location is on a boundary between two (2) zoning districts, the lower sound level shall apply.

This section shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area.

SECTION 606 SMOKE

No smoke shall be emitted from any chimney or other sources of visible gray capacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U. S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four (4) minutes in any thirty (30) minute period.

This section shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area.

SECTION 607 DUST, FUMES, VAPORS AND GASES

- A. The emission of dust, dirt, fly ash, vapors or gases which can cause damage to human health, animals, vegetation or property, or which can cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.
- B. No emission of liquid or solid particles from any chimney or other source shall exceed three-tenths (0.30) grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall

be applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty (50) percent excess air stack at full load.

This section shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area.

SECTION 608 HEAT

No use shall produce heat perceptible beyond its lot lines.

This section shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area.

SECTION 609 ODOR

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted and which would annoy or disturb a reasonable person of normal sensitivities. This section does not prohibit odors normally coincident with permitted land uses so long as the odor characteristics are not offensive to a reasonable person of normal sensitivities based on odor strength, characteristics and duration. This section shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area.

SECTION 610 GLARE

No uses shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines or onto any street. This section shall not apply to permitted agricultural uses or to agricultural uses in an approved Agricultural Security Area.

SECTION 611 VIBRATIONS

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of temporary construction activity.

SECTION 612 STORAGE AND WASTE DISPOSAL

- A. For non-commercial uses, no highly flammable or explosive liquids, solids or gases shall be stored in bulk aboveground, except the following:

1. Tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel.
 2. Tanks or drums for storage of less than three hundred (300) gallons of fuel (other than that used for home heating), twenty-five (25) feet to any building or lot line or fifty (50) feet from any street line.
 3. No more than 1,000 gallons total of fuel is allowed to be stored on any one (1) lot.
- B. All outdoor industrial or commercial storage facilities for fuel, raw materials and products, and all industrial or commercial fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.
- C. No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transported off the lot by natural causes or forces; nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
- D. Any materials or wastes which may cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.
- E. All nonconforming storage and waste disposal uses must be brought into conformity with this section within three (3) years of the adoption of this Ordinance.

SECTION 613 LOTS TRAVERSED BY PUBLIC STREETS

Any existing parcel, tract, or area of land that is traversed by a public street shall be considered separate lots.

SECTION 614 MINIMUM LOT SIZE

Where a minimum lot size is specified, no primary building or use shall be erected or established on any lot of lesser size than as indicated in Sections 509 and 705, except as specified in Section 615.

SECTION 615 EXCEPTIONS TO MINIMUM LOT SIZES

The provisions of Section 509 and Articles V and VII shall not prevent the construction of a single-family dwelling and accessory buildings related thereto on any lot that was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed: and provided that:

- A. Such lot is not less than one-half ($\frac{1}{2}$) acre.
- B. Those lots not served by public water and sewer shall meet all requirements of the PA Department of Environmental Protection.
- C. The percentage of lot area covered by the single-family dwelling shall not exceed twenty (20) percent.
- D. The front and rear yards shall aggregate at least sixty (60) percent of the total lot depth or meet the normal requirements of the district in which the lot is located.
- E. The side yards shall aggregate at least forty (40) percent of the total lot width or meet the normal requirements of the district in which the lot is located; the side yard shall not be less than fifteen (15) feet in any district.

SECTION 616 MINIMUM LOT WIDTH

- A. Where a minimum lot width is specified, no primary building shall be erected on any part of a lot which has a width less than that indicated in Section 509, except as specified in Section 615.
- B. On lots fronting on the turnaround of a permanent cul-de-sac, the minimum lot width may be located at a greater distance from the street line than the building setback line. The building setback line shall be measured parallel to the street line. However, such lots fronting on the turnaround of a permanent cul-de-sac shall have a minimum straight line distance of forty-five (45) feet between the points of intersection of the lot lines and the street right-of-way line.
- C. Flag Lot – A parcel of land which does not have the required minimum width at the minimum front yard line but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the access) are parallel or nearly parallel. Flag lots may be permitted for tracts of land with, limited frontage that would, limit the number of lots with the required lot width, but with sufficient area in the rear of the tract for an additional lot or two (2). Flag lots are not permitted in a subdivision where a street could reasonably be developed to serve the lots with each meeting the minimum lot width requirement.
 - 1. A flag lot may be used only for a single-family dwelling.

2. If the proposed flag lot is not large enough to further subdivide under the zoning requirements at the time the subdivision is proposed, the "access" shall have a minimum width of twenty-five (25) feet at the street line of the public street and shall not narrow to a lesser dimension. If the proposed flag lot is large enough to further subdivide under the zoning requirements at the time the subdivision is proposed, the "access" shall have a minimum width equal to or greater than the minimum width required for a minor street at the street line of a public street and shall not narrow to a lesser dimension.
3. Such exception to the lot width requirement may not be granted unless the same shall be necessary to prevent the inefficient use of the land.
4. No more than two (2) flag lots are permitted in the subdivision of a tract of land even if lots are subdivided from the tract at different times. Each flag lot must be provided with its own driveway.
5. The area of the pole of the flag lot shall not be included in the calculation of the minimum lot area.
6. Only one (1) tier of flag lots will be permitted on a tract.
7. The front yard setback for a flag lot shall be a distance equal to the front yard requirements for the district in which the lot is located and shall be measured from the point where the lot first obtains the minimum lot width measurement.
8. Each flag lot shall have its own pole (staff).

SECTION 617 TRAFFIC VISIBILITY AT INTERSECTIONS

All street/access point (driveway, access drive, street) intersections shall have a clear sight triangle at the intersection with a street. No significant obstructions or plantings higher than thirty (30") inches or tree limbs lower than ten (10') feet shall be permitted within the clear sight triangle area as measured from the centerline grade of intersecting street/access point. The clear sight triangle shall be measured from the centerline intersection of the street/access point at the following distances based on street/access point classifications:

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
Arterial	175'	150'	125'
Collector	150'	125'	100'
Local	125'	100'	75'
Access Drive	100'	80'	60'
Driveway	60'	50'	40'

SECTION 618 FRONT YARD REQUIREMENTS

- A. Where a minimum depth of front yard is specified in Section 509, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure, except as may be permitted hereinafter. As provided in Section 202, street lines are considered to be established by future rights-of-way when so designed. The purpose of this provision is to avoid interference with anticipated future street widening and improvements.
- B. Future right-of-way widths are established for those streets wherein the existing legal right-of-way is less than that indicated below for the particular class of street. The centerline of each future right-of-way shall be considered the same centerline as the existing right-of-way.
- C. Streets and their future rights-of-way shall be as follows:
 - Arterial Street - eighty (80) feet
 - Collector Street - sixty (60) feet
 - Local Street - fifty (50) feet

SECTION 619 REQUIREMENTS FOR FRONT YARDS ALONG THOROUGHFARES

For those properties fronting on arterial and collector highways, minimum front yards shall be at least sixty-five (65) feet unless Section 509 or 705 require an additional setback for the district.

SECTION 620 FRONT YARD DEVIATION

- A. Where an unimproved lot is situated between two (2) improved lots which were developed prior to the enactment of this Ordinance, the front yard requirement of the unimproved lot may be changed to be the average of the existing front yards of the two (2) improved lots, provided the proposed principle building is within fifty (50) feet of both existing principle buildings.
- B. Where an improved lot is adjacent to one (1) improved lot which was developed prior to the enactment of this Ordinance, the front yard requirement of the unimproved lot may be changed to be equal to the existing front yard of the improved lot, providing the proposed principle building is within fifty (50) feet of the existing principle building.
- C. For the purpose of this section, an unimproved lot shall be the same as a vacant lot; and an improved lot shall be one on which a principle building is erected.

SECTION 621 PROJECTIONS INTO FRONT YARDS

Ground story bays and porches not over half the length of the front wall may project five (5) feet in to any front yard. Chimneys, flues, columns, sills, ornamental features, cornices and gutters may project not more than two (2) feet over a front yard.

SECTION 622 FENCES AND TERRACES IN FRONT YARDS

The provisions of Section 621 shall not apply to front fences, hedges or walls less than six (6) feet high above the natural grade in the required front yard, nor to terraces, steps, uncovered porches, enclosed porches, nor to other similar features less than three (3) feet above the level of the floor of the ground story. Fences or walls shall not be erected in the street right-of-way.

SECTION 623 ACCESSORY BUILDINGS IN FRONT YARDS

Accessory buildings or structures shall not be permitted within required front yards.

SECTION 624 SIDE YARD REQUIREMENTS

No portion of a building or structure including accessory buildings shall be built within the minimum depth from the side lot line specified in Section 509, except as permitted in Section 625. Driveways shall be permitted in side yards.

SECTION 625 PROJECTIONS INTO SIDE YARDS

Bays, balconies, chimneys flues and fire escapes may project into a required side yard not more than one third ($1/3$) of the width of the projection, but not more than four (4) feet in any case. Ground story bays and porches not over half the length of the side wall may project into any required side yard three and one-half ($3\frac{1}{2}$) feet.

SECTION 626 FENCES AND TERRACES IN SIDE YARDS

The provisions of Section 625 shall not apply to front fences, hedges or walls less than seven (7) feet high above the natural grade, nor to terraces, steps, uncovered porches, or other similar features less than three (3) feet above the floor of the ground story.

SECTION 627 REAR YARD REQUIREMENTS

No portion of a building or structure shall be built within the minimum depth from the rear lot line specified in Section 705, except as permitted in Section 628.

SECTION 628 PROJECTIONS INTO REAR YARDS

Such projections into side yards as permitted in Section 625 may also be permitted into rear yards up to the same number of feet, but in no case within eight (8) feet of an accessory building.

SECTION 629 ACCESSORY BUILDINGS IN REAR YARDS

Subject to the provisions of Section 627, completely detached accessory buildings may occupy a required rear yard but shall not be located closer to the rear property line than the required minimum side yard dimension for the district in which the lot is located. Notwithstanding the foregoing, one (1) single-story accessory building having a width of no more than twelve (12) feet and a length of no more than twelve (12) feet, may occupy a required rear yard provided that it is located at least ten (10) feet from the rear property line.

SECTION 630 OPEN SPACE IN RESIDENTIAL DEVELOPMENTS

A. General Open Space

Performance Standard Subdivisions and Single-Family Detached Cluster developments shall meet the open space requirements of this Ordinance. The plan shall contain or be supplemented by such materials as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the Township, and shall be noted on all deeds.

B. Layout of Open Space

The open space shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents of the development. The open space is most needed in areas of highest density.

C. Open Space Designation

All land held for open space shall be designed on the plans. The plans shall contain the following statement: "*Open space may not be separately sold nor*

shall be further developed or subdivided except for transfer to the Township or other conservation organization approved by the Township.” The subdivision plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:

1. Lawn A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.
2. Natural Area An area of natural vegetation undisturbed during construction, or replant; such area may contain pathways. Maintenance may be minimal but shall prevent the undue proliferation of weeds and undesirable plants such as poison ivy. Litter shall be removed, and streams shall be kept in free flowing condition.
3. Recreation Area An area designated for a specific recreation use, including but not limited to tennis, swimming, shuffle board, playfield, and tot lot. Such area shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.

D. Open Space Performance Bond

Designated planting and recreation facilities within the open space areas shall be provided by the developer. A performance bond or other securities will be required to cover the costs of installation in accordance with the provisions of the Subdivision and Land Development Ordinance.

E. Ownership and Preservation of Open Space

Any of the following methods may be used to preserve, own, or maintain open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, or transfer to a private conservation organization. The following specific requirements are associated with each of the various methods:

1. Condominium The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of 1980, as amended. All open space shall be held as “common element.” Such land shall not be eligible for sale separate and apart from the condominium to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ration.
2. Homeowners' Association The open space may be held in common ownership by a homeowners' association. This method shall be subject to all the provisions for homeowners' associations as set forth in the Pennsylvania Municipalities Planning Code, as amended.

3. Fee Simple Dedication The Township may, but shall not be required to, accept any portion or portions of the open space provided: (i) such land shall be freely accessible to the public; (ii) there shall be no cost to the Township involved; (iii) the Township agrees to and has access to maintain such lands; and (iv) the open space shall be in an acceptable condition to the Township at the time of transfer.
4. Dedication of Easements The Township or County may accept, but shall not be required to accept, easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, condominium, or homeowners' association while the easements are held in public ownership. The County shall accept the easements only in accordance with the provisions of Act 442 and County Plans. The Township may accept such easements as it sees fit. In either case, there shall be no cost to the County or Township for acquisition or maintenance. The Township may require this method where it deems this the most appropriate way of preserving land in open space. In Performance Standard Subdivisions, and Single-Family Detached Clusters, this provision for the ownership and preservation of open space cannot be used except for open space land incorporated in required buffer yards.
5. Transfer to Private Conservation Organization With permission of the Township, an owner may transfer either the fee simple title with appropriate deed restrictions running in favor of the Township, or easements to a private, nonprofit organization, amount whose purposes is to conserve open space land and/or natural resources provided that: (i) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (ii) the conveyance contains appropriate provisions for proper reverter or retransfer in the event the organization becomes unwilling or unable to continue carrying out its functions; and (iii) a maintenance agreement acceptable to the Township is entered into by the developer and the organization.
6. Deed Restrictions
 - a. Buffer yards, as required by this Ordinance, may be held in the ownership of the individual property owners of residential developments. This form of ownership of open space will be subject to the following requirements:
 - (1) This form of ownership of open space will be limited to buffer yards;
 - (2) It may be used only if approved by the Township;
 - (3) Restrictions, meeting Township specifications, must be placed in the deed for each property that has a buffer within

its boundaries. The restrictions shall provide for the continuance of the buffer yard in accordance with the provisions of this Ordinance;

- (4) It will be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner.
- b. For nonresidential uses, buffer yards and areas of natural features may be held with the ownership of the entire parcel provided the buffer yards and areas of natural features are deed restricted to ensure their protection and continuance.
- c. In the case of residential developments where all of the units are rental, the open space land may be in the same ownership as that of the development provided that the land is deed restricted to ensure its protection and continuance and that a maintenance agreement suitable to the Township is provided.
- d. For any of these options the Township may accept, but is not required to accept, an easement to the open space land in the development.

Unless otherwise agreed to by the Township or County, the cost and responsibility of maintaining open space shall be borne by the property owner, condominium association, or homeowners' association. If the open space is not properly maintained, the township may assume responsibility for maintenance and charge the property owner, condominium association or homeowners' association a fee which covers maintenance cost, administrative costs, and penalties as stipulated in Article 13 of this Ordinance.

SECTION 631 RESERVED

SECTION 632 LANDSCAPING ALONG STREETS AND LOT LINES

- A. No trees shall be planted within six (6) feet of a street right-of-way or a lot line.
- B. No portion of any shrub or bush shall be permitted within six (6) feet of a street right-of-way.

SECTION 633 SWIMMING POOLS

- A. Private residential swimming pools are permitted with the following conditions:
 - 1. Shall not be placed in any minimum required front, rear or side yard.

2. Shall be entirely enclosed with a permanent barrier or fence not less than four (4) feet in height.
 3. Above ground pools shall have a ladder or stairway which can be removed or rendered unusable.
 4. Entrance to the pool shall be securely closed to a height of four (4) feet.
 5. Fences shall have a gate, which can be securely locked.
 6. Pools shall meet all requirements of the current adopted building codes as specified in the Pennsylvania Uniform Construction Code Act 45 of 1999 as amended.
- B. All other swimming pools shall meet the requirements of paragraphs 2 through 6 above.

SECTION 634 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any district, more than one (1) structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. In addition, such proposals shall provide a land development plan, and provide individually approved methods of water supply and sewage disposal. The addition of more than one (1) structure housing a permitted or permissible principal use requires Conditional Use approval as per section 1208.

SECTION 635 REQUIRED STREET ACCESS

Each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a lot which abuts a public or private street or road for a distance of not less than is required in the applicable district.

SECTION 636 EXCEPTIONS TO HEIGHT REGULATIONS

- A. The height limitations of this Ordinance shall not apply to church spires; farm structures when permitted by other provisions of this Ordinance (e.g. silos, barns, etc.); belfries, cupolas, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkhead and similar features; utility poles and standards; and necessary mechanical appurtenances usually carried above the roof level. Such features however shall be erected only to such height as is necessary to accomplish the purpose they are to serve and then only in accordance with any other governmental regulations.

- B. In any district, any building may be erected to a height in excess of that specified for the district only by a Special Exception granted by the Zoning Hearing Board.

SECTION 637 SATELLITE DISH ANTENNAS

The following types of satellite dish antennas shall be allowed in all districts and shall not require a permit for same, but shall observe setback regulations if applicable.

- A. Dishes that are one (1) meter (39.37 inches) or less in diameter for private TV reception or Internet access.
- B. Dishes used for credit card or other business transactions usually placed on rooftops.
- C. The location of all satellite dish antenna must comply with the setback restrictions for the principal use and shall not be located in front of the principal building, unless applicable provisions of the Federal Communications Commission would be violated.
- D. All ground-mounted satellite dish antennas located within the Industrial or Highway Commercial Districts that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the Industrial or Highway Commercial Districts shall comply with all principal use standards;

SECTION 638 PERSONAL HAM/AMATEUR RADIO ANTENNAS AND TOWERS

Such devices are permitted in any zone as an accessory use to a principal residence, provided that freestanding towers are not located within the front yard and that all towers are set back a horizontal distance from each property line at least equal to 125 percent of their height. Any tower or antenna higher than fifty (50) feet requires a Special Exception from the zoning hearing board.

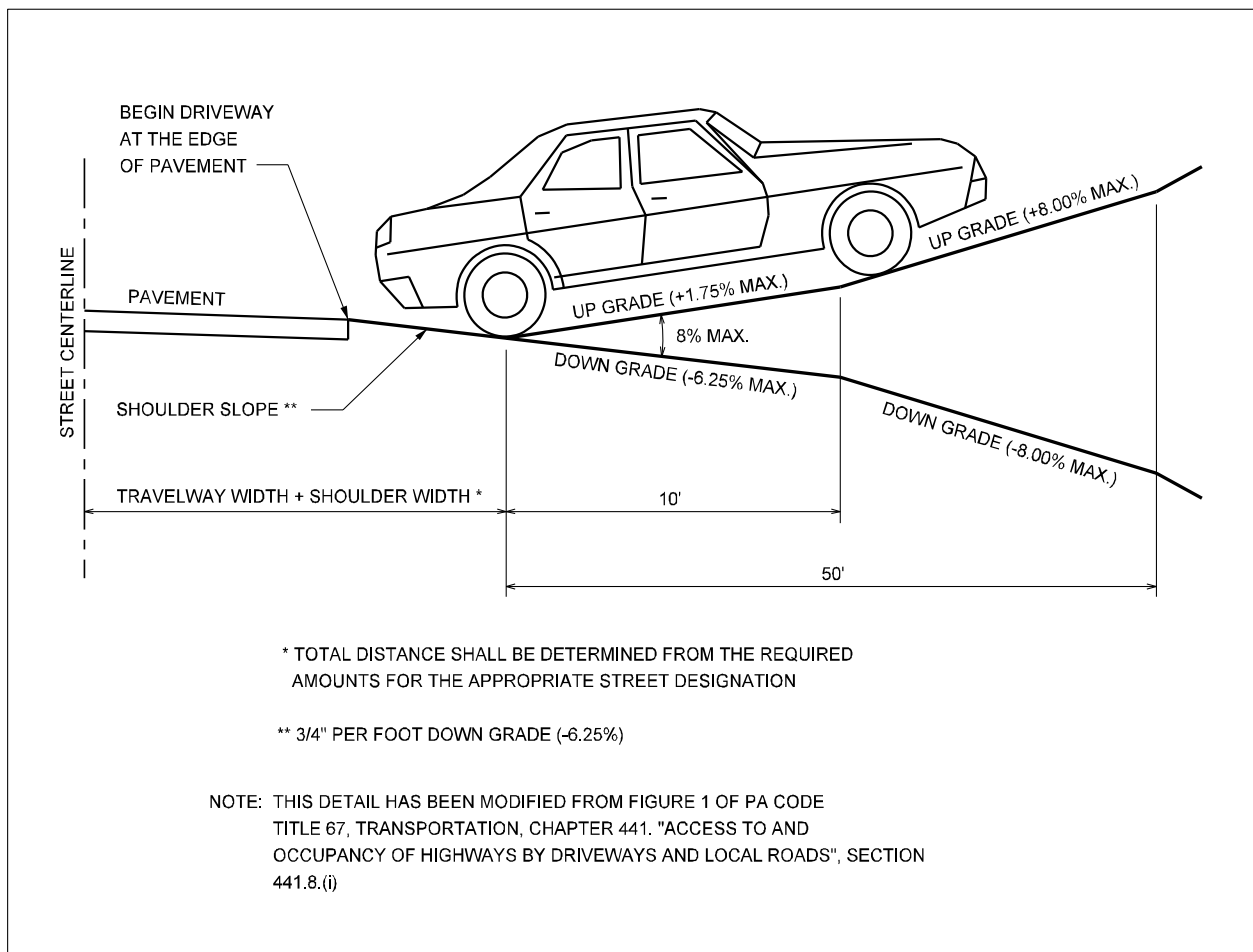
SECTION 639 PUBLIC UTILITY CORPORATIONS

The provisions of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Township have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

SECTION 640 DRIVEWAYS

All driveways shall be designed and constructed with the applicable provisions of this Ordinance, as well as the provisions of the Towamensing Township Subdivision and Land Development Ordinance.

- A. Driveways shall be installed according to the following profile detail.



- B. Driveways must be installed according to the detail within Section 640 A. and the design standards within the Subdivision and Land Development Ordinance prior to the issuance of an Occupancy Permit.
- C. All plans with lots fronting on a Township or PennDOT Street must demonstrate appropriate locations for driveways meeting all design requirements of this Ordinance and the Subdivision and Land Development Ordinance.
- D. The driveway must be inspected by the Towamensing Township Engineer upon completion. All costs for the inspection is to be paid by the driveway applicant.

SECTION 641 STORAGE OF VEHICLES

- A. Automotive vehicles, motor homes, or recreational vehicles (including boats and their trailers) of any type, except agricultural equipment, without current license plates shall not be parked or stored within a CR, RC or R District other than in completely enclosed buildings.
- B. In Commercial and Industrial Districts, automotive vehicles, motor homes, or recreational vehicles (including boats and their trailers) of any type must be parked or stored within completely enclosed buildings unless the vehicles or vehicular dwellings are for sale at a sales agency dealing in automotive vehicles and/or vehicular dwellings or are stored within a junk yard permitted by this Ordinance.
- C. No tractor-trailer truck, other than a vehicle used in conjunction with a lawful conforming or nonconforming use, shall be stored within a CR, RC or R District unless it is stored within a completely enclosed building. The vehicle shall not be in a street right-of-way and not be parked for more than seven (7) days.
- D. Exceptions to storage of vehicles:
 - 1. Should the resident of a premise be a hobbyist involved in the restoration and/or reassembly of antique, classic or unique vehicles, outside storage of unregistered vehicles of one (1) vehicle per acre, or up to a maximum of six (6) per parcel, by owner of parcel and vehicle, shall be permitted, provided said vehicles and parts for them shall be screened from view by fence, evergreen planting or covered by a tarpaulin or similar device.
 - 2. Should the resident of a premise purchase a vehicle(s) to replace a registered vehicle(s) and continue to hold title of the replaced vehicle(s), said resident shall have a reasonable time to sell, junk, scrap or otherwise dispose of the replaced vehicle(s) and remove same from the premises, unless the replaced vehicle(s) are stored in an enclosed building. Said reasonable time to remove a deregistered vehicle shall not exceed one hundred twenty (120) days from the date of deregistration.
 - 3. No unregistered or uninspected vehicle shall be stored less than twenty-five (25) feet from any street or adjoining property.
- E. Recreational Equipment

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any street or lot in a residential or agricultural district except in a carport or enclosed building or in a rear yard; however, such equipment may be parked no less than fifteen (15) feet from a street right-of-way on residential premises for a period not to exceed twenty-four

(24) hours during loading and unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Furthermore, no such equipment shall be parked or stored in any manner, which creates a visibility restriction and thereby endangers the safety of passersby'.

SECTION 642 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind without current license plates and/or state inspection shall not be parked or stored on any residentially zoned property other than in completely enclosed structures except as allowed in Section 641 D.1. and 641 D.2.

ARTICLE 7

CRITERIA FOR SPECIAL EXCEPTIONS, CONDITIONAL USES AND OTHER SELECTED USES

SECTION 701 GENERAL DESCRIPTION

It is the intent of this Article to provide special controls and regulations for particular uses that may be permitted by right, or by Special Exception, or by Conditional Use within the various zoning districts established in this Ordinance. Special Exceptions and Conditional Uses are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Zoning Hearing Board may grant approval of a Special Exception provided that the applicant complies with the standards for Special Exceptions set forth in this Article and demonstrates that the proposed Special Exception shall not be detrimental to the health, safety, and welfare of the neighborhood. Similarly, the Board of Supervisors may grant approval of a Conditional Use under applicable regulations. The burden of proof shall rest with the applicant. In granting a Special Exception or Conditional Use, the Zoning Hearing Board or Board of Supervisors, as appropriate, may attach such reasonable conditions and safeguards in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

SECTION 702 PROCEDURE

The procedure for consideration of a Special Exception or Conditional Use shall follow the procedure for review and hearings as stated in Article 12 of this Ordinance.

SECTION 703 PLAN REQUIREMENTS

In addition to any plan informational requirements for a specific land use identified in this Article, a Special Exception or Conditional Use application shall be accompanied by a scaled drawing of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance and shall include the following:

- A. The location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and other pertinent information.
- B. The names and addresses of adjoining property owners, including properties directly across a street right-of-way.
- C. Ground floor plans and building elevations of proposed structures.

- D. A written narrative of the proposed use in sufficient detail to determine that all applicable standards are adequately addressed.

SECTION 704 GENERAL STANDARDS FOR ALL SPECIAL EXCEPTION AND
CONDITIONAL USE APPLICATIONS

In order to receive a Special Exception or Conditional Use approval, the applicant shall establish by credible evidence presented to the Zoning Hearing Board or Board of Supervisors, as applicable, with the application or during the hearings, that:

- A. The proposed use is consistent with the purpose and intent of this Ordinance.
- B. The proposed use does not detract from the use and enjoyment of adjoining or nearby properties.
- C. The application complies with all criteria established for the respective land use proposal addressed elsewhere in this Ordinance.
- D. The proposed use does not substantially impair the integrity of the Palmerton Area Comprehensive Plan.
- E. The required front yard, side yards, open space areas, and height limitations for the applicable zoning district have been met.
- F. The off-street parking provisions are in conformance with those specified in Article 8 of this Ordinance.
- G. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
- H. The location of the site with respect to the existing streets giving access to it is such that the safe capacity of those streets is not exceeded by the estimated traffic generated or attracted is not out of character with the normal traffic using said public street.
- I. The pedestrian access from the off-street parking facilities is separated from vehicular access and sufficient to meet the anticipated demand.
- J. The proposed use is not incompatible with the existing traffic conditions and adjacent uses and will not substantially change the character of the immediate neighborhood.
- K. Facilities are available to adequately service the proposed use (e.g. schools, fire, police, and ambulance protection, sewer, water, and other utilities, etc.).

- L. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
- M. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
- N. Operations in connection with a Special Exception or Conditional Use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare, or smoke than would be the operations of any permitted use.
- O. Sufficient setbacks to and/or from agricultural operations are provided, in accordance with the applicable district regulations.
- P. For development within floodplains, that the application complies with the requirements listed in Article 6 and the Federal Emergency Management Agency (FEMA).

SECTION 705 CRITERIA FOR SPECIFIC LAND USES

In addition to those items required by Sections 703 and 704 (if applicable), each of the following land uses contains criteria that shall be addressed by the applicant and reviewed by the Zoning Officer, when permitted by right, or by the Zoning Hearing Board, when permitted by Special Exception, or by the Board of Supervisors, when permitted by Conditional Use.

A. AGRICULTURAL USES

(A1) CROP FARMING

The raising, keeping and sale of field, truck and tree crops. This use shall not be detrimental to natural features.

(A2) NURSERY

The outdoor raising of plants, shrubs and trees for sale and transplantation, subject to the following provision:

- 1. Retail sales of agricultural goods and products are permitted only where allowed as Use E1 except in the RC and LI Districts where they are allowed as a permitted use.

(A3) GREENHOUSE

The indoor raising of plants, shrubs and trees for sale and transplantation, subject to the following:

1. Retail sales of agricultural goods and products are permitted only where allowed as Use E1 except in the RC and I Districts where they are allowed as a permitted use.

(A4) ANIMAL HUSBANDRY

The keeping, raising, boarding or training of livestock and poultry, subject to the following provisions:

1. For the purposes of this Ordinance, livestock shall be considered one (1) or more animals commonly raised on farms in this areas, such as: cows, steers, sheep, goats, pigs, horses, ponies, donkeys or mules. This section includes the keeping, raising, boarding or training of horses, ponies and the like. This includes 4-H projects. For the purposes of this Ordinance, bees are considered to be livestock. This section does not include Kennels. (See Use Class A5)
2. The keeping or raising of livestock and poultry on parcels of land less than five (5) acres in area shall be limited to the keeping and raising of two (2) head of livestock or one hundred (100) fowl per one (1) acre of land used solely for the livestock or fowl.
3. In any district, animals must be maintained in a way not to leave the premises.
4. The minimum front, side and rear setback distances shall be one hundred (100) feet for any stables, barns, pens or other animal housing structures and for the indoor or outside storage of by-products or waste.
5. State Protected Agricultural Operations - Nothing in this Zoning Ordinance is intended to preclude the rights and protections of bona fide agricultural operations afforded by the Pennsylvania Right To Farm Law, as amended; the Pennsylvania Agricultural Securities Area Law, as amended; and other applicable state statutes. Such rights and protections, in terms of limiting the application of the standards in this Zoning Law, shall be afforded to such uses of land, which meet the minimum definition of agricultural use as established by the applicable state statute.

(A5) KENNEL

A kennel shall be permitted as a Conditional Use in the Light Commercial, Heavy Commercial, Conservation Recreation, Rural Conservation and Limited Industrial Districts, subject to the general conditions contained in Sections 703 and 704 and Article 12 of this Ordinance, and the following specific conditions:

1. The minimum lot size shall be five (5) acres when the maximum number of dogs (not including the dogs' litters, provided they are under the age of twelve (12) weeks), is ten (10); and in all other cases the minimum lot size shall be ten (10) acres.
2. All buildings, structures, enclosures, runs or other areas where dogs will be physically present for any length of time must be set back a minimum of three hundred (300) feet from any property line.
3. The kennel shall be operated and maintained in a manner as to meet or exceed the requirements of Chapter 21 of the Dog Enforcement Bureau regulations (General Provisions; Kennels; Licensure; Dog-Caused Damages), as amended, 7 Pa. Code Chapter 21.
4. No buildings, structures, enclosures, runs or other areas where dogs will be kept for any period of time, including any expansions, extensions or enlargements thereof, shall be erected, constructed, reconstructed, maintained or used without first applying for and obtaining a Zoning Permit.
5. All set-backs shall be landscaped to provide appropriate visual screening and/or buffering in accordance with Section 603 of this Ordinance.
6. A solid barrier shall be provided around the perimeter of the kennel so as to encompass and enclose all buildings, structures, enclosures, runs or other areas where dogs will be kept for any period of time.
 - a. Said barrier shall be at least six (6) feet in height and shall consist of either the solid facades of the kennel buildings and/or structures or a solid fence.
 - b. If the barrier is to be provided by a fence, said fence shall be constructed of brick, stone, architectural tile, masonry units, wood, or similar materials.
 - c. Signs or other advertising mediums shall not be placed upon, attached to, or painted on such barrier.
7. On each day, at or before 8 PM, prevailing time, all dogs shall be brought into a building (having a roof and walls on all sides) and kept and maintained in that building until 7 AM, prevailing time, the next day.

8. All animal excrement and other waste shall be disposed of in such a manner as to meet or exceed regulations and/or requirements of the Pennsylvania Department of Health, the Pennsylvania Department of Environmental Protection, and any other governmental agency having jurisdiction thereover, including the Township. If it is necessary for animal excrement and other waste to be temporarily “stored” at the site while it is awaiting removal and disposal, it must be kept in an enclosed container located not less than three hundred (300) feet from any property line, and at least one hundred (100) feet from any watercourse, drainage ditch, or other natural drainage area or body of water.
9. Except when inconsistent with the provisions herein set forth, kennels shall comply with all other requirements of this Ordinance, the Towamensing Township Subdivision and Land Development Ordinance, the Uniform Construction Code as enacted in the Township, and any and all other Township ordinances.

(A6) AQUACULTURE

The cultivation of the natural produce of water which includes, but is not limited to fish, aquatic life, hydroponic fruits or vegetables, where it be for commercial or recreational purposes.

1. Retail sales are permitted only where allowed as Use E1, except in the RC and I Districts where they are allowed as a permitted use.

(A7) RIDING CLUB OR RIDING STABLE

Riding clubs and riding stables are subject to the following specific criteria:

1. Minimum lot area - Ten (10) acres. The number of horses permitted shall be based on the current state nutrient management regulations.
2. All animals except while exercising or pasturing shall be kept within a completely enclosed building, which was erected or maintained for that purpose.
3. All outdoor training, show, riding, boarding, or pasture areas shall be enclosed by a minimum four (4) foot-high fence, which is located at least five (5) feet from all property lines.
4. Any structure used for the boarding of horses shall be set back at least two hundred (200) feet from any property line.
5. All stables shall be maintained so to minimize odors perceptible at the property line.

6. All parking compounds and unimproved overflow parking areas shall be set back at least twenty (20) feet from adjoining lot lines. Unimproved overflow parking areas shall also provide a fence delineating such occasional parking facilities and preventing the parking and/or movement of vehicles across neighboring properties.
7. No manure storage facility or area shall be established closer than one hundred fifty (150) feet to any property line.
8. One sign shall be permitted which shall not be greater than two (2) square feet in area and located a minimum of twenty (20) feet from the street right-of-way line.

(A8) NONCOMMERCIAL KEEPING OF HORSES

The following standards shall apply for the keeping of horses and related equine animals. However, these standards shall not be interpreted as applying to animal hospitals, veterinary facilities, kennels, riding clubs or stables, or normal farming operations.

1. The minimum lot area required for the keeping of one (1) horse shall be three (3) acres. This minimum lot area shall be increased by one (1) additional acre for each additional horse kept.
2. Maintaining horses shall be on a non-commercial basis and be strictly as an incidental use.
3. The area within which horses are kept shall be enclosed by a fence designed for containment.
4. No building, corral, or stable shall be closer than one hundred (100) feet to any property line. Any pasture fence shall be located a minimum distance of ten (10) feet from a Residential zoning district boundary or the property line of an adjacent parcel in residential use.
5. The owner of the horse(s) shall provide suitable shelter for the animal(s), shall exercise suitable control over the animal(s) and shall not allow a nuisance condition to be created in terms of excessive noise, odor or soil erosion.
6. The minimum lot area requirements of Section 705 (A8)1. may be modified only by a Special Exception granted by the Zoning Hearing Board.

(A9) NONCOMMERCIAL KEEPING OF LIVESTOCK (EXCLUDING HORSES)

Noncommercial keeping of livestock (excluding horses) is permitted, subject to the following criteria:

1. Minimum lot area – One (1) acre; additionally, the following list specifies additional area requirements by size of animals kept:

GROUP 1 - Animals whose average adult weight is less than ten (10) pounds shall be permitted, up to a maximum number of twelve (12) animals;

GROUP 2 - Animals whose average adult weight is between ten (10) and two hundred (200) pounds shall be permitted at an animal density of two (2) per acre, and,

GROUP 3 - Animals whose average adult weight is greater than two hundred (200) pounds shall be permitted at an animal density of one (1) per two (2) acres.

2. The keeping of a combination of animal types (Group 1, 2, and 3) shall require an animal density equal to the ratio of the number of animals, by type. Should one structure be used to house a combination of animal types, the most restrictive setback shall apply;
3. All structures used to house noncommercial livestock shall be prohibited from placement in the front yard.
4. All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals; such fencing must be set back at least ten (10) feet from all property lines; and,
5. All animal wastes shall be properly stored and disposed of, so as not to be objectionable at the site's property line. All animals, their housing, and their outdoor pasture/recreation areas shall be properly maintained so as not to become a nuisance to adjoining properties. All manure management must comply with all state and federal guidelines.

(A10) FORESTRY ACTIVITIES

In accordance with the requirements of Section 603 (f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Township subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

(A11) AGRITOURISM ENTERPRISE

1. Typical agritourism enterprises include, but are not limited to:
 - Roadside stands
 - Farm markets
 - U-pick operations
 - Ice cream/bakery facilities
 - Christmas tree farm/cut your own
 - Wineries and winery tours and tastings
 - Local products retail operations (local crafts, food products)
 - Corn mazes (with educational/interpretation)
 - Farm-related interpretive facilities and exhibits
 - Agriculturally related educational and learning experiences
 - Agriculturally related events / fairs / festivals
 - On site farm, garden, nursery tours
 - Walking and bicycling tours and trails
 - Farms stays
 - Recreation related operations (outfitters/cross country skiing/fishing and hunting facilities/bird watching)
 - Horseback riding
 - Others that may be determined on a case by case basis if it meets the purpose and intent of the regulations
2. Applicants must submit a plan identifying the location of the agritourism enterprise, all farm buildings, dwellings, existing and proposed driveways, access drives, parking areas, vehicle turn around areas, location of sanitary facilities and buffering and landscaping in accordance with Article 6.
3. Parking must be in compliance with Article 8. Parking is not permitted in the street right-of-way.
4. A driveway occupancy permit must be approved by the Township for access to Township streets. A copy of a PennDOT Highway Occupancy Permit must be provided when accessing a state highway.
5. Sanitary facilities shall be provided in accordance with PADEP requirements.
6. All prepared food available for sale must be prepared in accordance with applicable federal, state, or local regulations. Produce grown on the farm is permitted.
7. If a permanent structure is proposed as part of the agritourism enterprise, the maximum size of that structure shall be the same size for structures used in other farm businesses.

8. The maximum permitted size for signs used for the agritourism enterprise shall be in compliance with Article 9.
9. Applicants must consult with the Township's building code officer to determine if a building permit is required for any building proposed as part of the agritourism enterprise.
10. If the activities will involve periodic "Special Events," compliance with the regulations for each activity shall be required.

(A12) REGIONAL METHANE DIGESTER SYSTEM

Regional methane digester systems are permitted by Conditional Use in the Rural Conservation (RC) District, subject to the following:

1. Minimum lot area - Forty (40) acres.
2. A traffic impact study analysis shall be provided, showing the following:
 - a. Existing traffic volume data for all roadways within one-thousand (1,000) feet, which provide access to the site;
 - b. Anticipated traffic volumes for the area identified in subsection 1. above, resulting from the proposed use as well as background traffic growth;
 - c. Analysis of current and future levels of service for all intersections identified in subsection 1. above;
 - d. Physical analysis of all roadways identified in subsection 1. above, including cartway width, shoulder width, pavement condition, horizontal and vertical curves, anticipated storm water drainage characteristics, and sight distances;
 - e. The traffic analysis shall be reviewed by the Township Engineer.
 - f. The applicant shall submit a transportation study, detailing the effect of the methane digester system on local roadways, including effect of vehicle weight, congestion, and noise.
 - g. All uses shall provide sufficiently long stacking lanes into the facility, so that vehicles waiting to be loaded/unloaded will not back-up onto public streets.
3. The Board of Supervisors can attach conditions, which it feels are necessary to protect nearby properties, the intent of this Ordinance and/or the general public welfare.

4. General requirements for all methane digester systems.
- a. The applicant shall address and document performance standards for siting to minimize impacts on neighboring properties, which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.
 - b. Methane digester systems shall be designed and constructed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements and successors thereto, of the Pennsylvania Department of Environmental Protection.
 - c. Methane digester systems shall be designed and constructed in compliance with all applicable local, State and Federal codes and regulations. Evidence of all Federal and State regulatory agencies' approvals shall be included with the application.
 - d. A certified professional, qualified to do such, shall furnish and explain all details of construction, operation, maintenance and necessary controls related to the methane digester system.
 - e. The applicant shall provide either (1) a letter from the Carbon County Conservation District stating that the applicant's methane digester system design has been reviewed and approved by the Carbon County Conservation District and that all regulations and requirements of the State manure management program have been satisfied, or (2) submit a letter from the Carbon County Conservation District stating that it will not review the plan or that no review is required under applicable ordinances, or (3) submit evidence that such a letter has been requested and the Carbon County Conservation District has failed to respond.
 - f. Except as otherwise provided for under the provisions of the Pennsylvania Nutrient Management Act, no underground storage, in ground storage, trench silo, earthen bank, stacking area, or above ground storage facility related to the methane digester system shall be located within fifty (50) feet of any side property line, seventy-five (75) feet of any rear property line, one hundred and fifty (150) feet from any residential structure other than that of the property owner, and one hundred (100) feet from any public street right-of-way. There shall be no discharge of any type of run-off onto such street right-of-way.

B. **RESIDENTIAL USES**

Minimum living space shall be 720 square feet for all dwelling types unless specified elsewhere in this Ordinance.

(B1) SINGLE-FAMILY DETACHED

Single-family detached dwellings on individual lots with no public or community open space; Section 509 contains the minimum requirements for each district. Other appropriate dimensional requirements are governed by the following table:

District*	Minimum Lot Area	Minimum Lot Width at Building Setback Line**	Minimum Yard Front (EA)	Minimum Yard Side (EA)	Minimum Yard Rear (EA)	Maximum Height
R	1 acre	150 ft.	40 ft.	20 ft.	40 ft.	50 ft.
LC	1 acre	250 ft.	40 ft.	20 ft.	40 ft.	50 ft.
RC	3 acres	150 ft.	40 ft.	35 ft.	50 ft.	50 ft.
CR	10 acres	150 ft.	40 ft.	35 ft.	50 ft.	50 ft.

* If a lot in any district is not provided with public sewerage or on-site sewage disposal in accordance with Section 602 J. of this Ordinance, the dimensional requirements of the RC District must be met.

** For exception, see Section 616.

Additional single-family dwelling units permitted as Conditional Uses should be located on soils of Capability Classes III e-2 through VII s-2 or on land which cannot be feasibly farmed because of rock outcroppings or size or shape of the lot.

It is the intent of this district to protect valuable farmland, natural features and natural resources. In keeping with this, single-family dwelling units permitted as conditional uses will be done to encourage clustering on less desirable soils. These single-family dwelling units shall have a minimum lot size of one (1) acre. Notwithstanding the foregoing, if it is not required that the owner of the farm transfer ownership of the additional single-family dwelling unit and its accompanying lot, i.e. the lot comprising the farm may be improved by more than one (1) dwelling unit.

In the case of existing lots in the RC and CR Districts, which are non-conforming because the lot size is less than three (3) acres in the RC and CR Districts, single-family detached dwellings and accessory buildings related thereto shall have the following minimum yards: front yard – 40 feet; side yard – 20 feet; rear yard – 40 feet.

(B1a) GROUP HOME WITHIN A LAWFUL DWELLING UNIT

A group home within a lawful dwelling unit, subject to the following provisions:

1. See definition of “Group Home”.
2. Supervision. The use shall include adequate supervision by persons trained in the field the group home serves.
3. Certification. If applicable, the use shall be licensed or certified under an applicable Federal, State or County program. A copy of such license or certification shall be filed with the Zoning Officer and shall be shown by the applicant to the Zoning Officer upon request.
4. Application and Notification. An application shall be submitted to the Zoning Officer stating the proposed location, general type of client, general type of treatment/care, level of supervision, maximum number of residents, name of the of primary operator and name of any sponsoring agency. The Zoning Officer shall be notified in writing within fourteen (14) days if there is any change in any of this information or if any applicable license or certification expires, is suspended or is withdrawn.
5. Non-Residents. Any treatment or counseling services within a group home shall be restricted to residents and a maximum of three (3) non-residents per day.
6. Parking. If a group home would include three (3) or more clients of a type who can reasonably be expected to be able to and be allowed to drive a vehicle, then the group home shall include a minimum of three (3) off-street parking spaces. Any parking area of more than four (4) spaces shall be required to include evergreen screening abutting any dwelling.
7. Appearance. A group home shall be maintained and/or constructed with a clearly residential appearance. No exterior signs shall identify the use.
8. Number of Persons. The following maximum number of persons* shall reside in a group home at any point in time, not including bona fide employees serving as caregivers or supervisors:
 - a. Single-family detached dwelling with a minimum lot area of two (2) acres and meeting the minimum yard sizes found at Section 509 – 7 persons.
 - b. Single-family detached dwelling with a minimum lot area of less than two (2) acres, but meeting the minimum yard sizes found at Section 509 – 5 persons.

Any other lawful dwelling unit – 4 persons.

* This restriction shall not apply to persons who are “related” (see definition).

9. Sewage Disposal. If a group home will use an on-lot sewage disposal system and will involve six (6) or more persons routinely on the premises at any one (1) time (including both residents and non-residents), the applicant shall provide evidence to the Sewage Enforcement Officer that such system is properly functioning and sufficient in size to serve the use.
10. Visitors. Employees of the group home shall not have visitors on the premises except for persons necessary for the operation of the use.

(B2) MANUFACTURED HOME

Manufactured Home subject to the following provisions:

1. The provisions of all current Township Ordinances regulating manufactured homes and the regulations of Towamensing Township regarding water supply and waste disposal shall be adhered to.
2. The lot, dimensional and other applicable requirements of this Ordinance for single-family homes in the district in which the manufactured home is to be located shall be met.
3. No more than one (1) manufactured home shall be located on a single parcel, and such manufactured home shall be occupied by not more than a single family.
4. Each manufactured home shall be installed as per the manufacturer's requirements and within the guidelines of the current adopted PA Uniform Construction Code Law.
5. Dimensional requirements for manufactured homes shall be the same as that required for single-family detached dwellings (Use B1).

(B3) CONVERSION

Conversion of an existing building to a greater number of dwelling units, subject to the following provisions:

1. Table of Dimensional Requirements

Lot Area Per Dwelling Unit			
	Minimum Unit Size	Other District	RC District
Efficiency	300 SF	10,000 SF	20,000 SF
1 BR	400 SF	14,000 SF	24,000 SF
2 BR	500 SF	18,000 SF	28,000 SF
3 BR	600 SF	22,000 SF	32,000 SF
4 BR	700 SF	26,000 SF	36,000 SF

2. The Zoning Hearing Board shall have the power to reduce the lot area per dwelling unit to not less than 10,000 square feet in the LC, HC and R Districts and to not less than 20,000 square feet in the RC District if this reduction does not allow more than two (2) units in a structure.
3. The average size of the dwelling units in the converted structure shall not be less than seven hundred twenty (720) square feet in any district.
4. Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or a side wall facing a street.
5. Except as may be necessary for the purposes of safety in accordance with the preceding paragraph, there shall be no major structural changes in the exterior of the building in connection with the conversion, and after conversion the building shall retain substantially the same structural appearance it had before such conversion.
6. Lot dimensions shall be as specified for Use (B1).

(B4) DWELLING IN COMBINATION

Dwelling-in-combination with an existing or permitted office or commercial use, provided the lot requirements of Section 509 and the parking requirements of Article 8 are met.

1. Lot dimensions shall be as specified for Use (B1).

(B5) SINGLE-FAMILY DETACHED CLUSTER

Single-family detached dwellings on individual lots clustered to preserve common open space. This use is permitted solely on tracts of ten (10) or more acres. Section 509 contains the minimum lot area for each district, which, for the purpose of this use, shall be taken as the minimum average lot area. The table below governs other appropriate dimensional requirements:

District	Minimum Average Lot Area	Minimum Lot Area	Minimum Lot Width at Building Line	Minimum Yard Front (EA)	Minimum Yard Side (EA)	Minimum Yard Rear (EA)
R	20,000 SF	16,000 SF	150 FT	40 FT	20 FT	40 FT
RC	20,000 SF	18,000 SF	150 FT	50 FT	35 FT	50 FT

(B6) PERFORMANCE STANDARD SUBDIVISION

A subdivision that permits a variety of housing types subject to a series of performance standards (see Articles V and VI). The performance standard subdivision requires the provision of open space and limits density and impervious surface. The following housing types are permitted, subject to Articles V and VI and the dimensional requirements as indicated below:

1. Single-Family Detached

A single-family residence on an individual lot with private yards on all four (4) sides of the house.

- a. Lot area minimum 8,000 SF; average 10,000 SF
- b. Minimum yards: front – 35 FT; side – 15 FT and 5 FT; rear – 40 FT
- c. Maximum building coverage – 30%
- d. Minimum lot width at setback line – 70 FT
- e. Minimum building spacing – 20 FT

2. Single-Family Detached – Off Center

A single-family residence on an individual lot with the building set close to one (1) side property line. The one (1) side yard may be reduced to five (5) feet provided there are no windows in the side of the building with the reduced side yard; and the other side yard shall be no less than fifteen (15) feet.

- a. Lot area minimum 8,000 SF
- b. Minimum yards: front – 25 FT; side – 15 FT and 5 FT; rear – 40 FT
- c. Maximum building coverage – 30%
- d. Minimum lot width at setback line – 70 FT
- e. Minimum building spacing – 20 FT

3. Duplex

A duplex is a single-family, semidetached dwelling unit having one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit.

a. Table of Dimensional Requirements

	Minimum Lot Area (SF)	Average Lot Area (SF)	Minimum Lot Width at Building Setback Line (FT)
1 BR	3,200	3,600	36
2 BR	3,600	4,000	40
3 BR	4,000	4,500	40
4 BR	4,200	4,700	45
5 BR	4,500	5,000	45

- b. General: Maximum impervious surface ratio (on-lot) – 0.30
 Building setback line – 30 FT
 Minimum yards: side – 10 FT; rear – 35 FT

4. Patio House

The patio house is a single-family detached or semidetached unit, with one (1) dwelling unit from ground to roof, having individual outside access. The lot shall be fully enclosed by a wall four (4) to six (6) feet high. All living spaces, i.e., living rooms, den and bedrooms, shall open into a major open area or patio.

- a. Table of Dimensional Requirements

	Minimum Lot Area (SF)	Average Lot Area (SF)	Minimum Lot Width at Building Setback Line (FT)
1 BR	2,800	3,000	40
2 BR	3,000	3,600	40
3 BR	3,400	4,000	40
4 BR	4,000	4,200	45
5 BR	4,200	4,500	45

- b. General: Maximum impervious surface ratio (on-lot) – 0.35
 Maximum height – 24 FT
 Minimum patio dimension – 20 FT
 Maximum floor area ratio – 0.60

5. Multiplex

The multiplex is an attached dwelling. It may be single-family or multi-family. In general, all units have independent outside access, but that is not necessary. Units may be arranged in a variety of configurations: side by side; back to back; or vertically. The essential feature is the small number of units attached. No more than five (5) units shall be attached in any group, and groups shall average no more than four (4) units per structure.

- a. Table of Dimensional Requirements

	Minimum Lot Area per DU (SF)	Average Lot Area per DU (SF)
Efficiency	800	1,000
1 BR	1,500	1,700
2 BR	2,200	2,400
3 BR	2,500	2,800
4 BR	2,700	3,000

- b. General: Maximum impervious surface ratio (on-lot) – 0.30
 Minimum building spacing – 24 FT
 Minimum building setback line – street – 30 FT

Minimum building setback line – parking areas – 20 FT
 Minimum lot area (for building) – 8,000 SF
 Minimum lot width (for building) at setback line – 80 FT

6. Atrium House

The atrium house is a single-family, attached dwelling unit, one (1) story high, with individual outside access. The lot shall be fully enclosed by a wall at least seven (7) feet high. A private yard, herein called an atrium, shall be included on each lot. All living spaces, i.e., living rooms, den and bedrooms shall open into the atrium.

a. Table of Dimensional Requirements

	Minimum Lot Area (SF)	Average Lot Area (SF)	Minimum Lot Width at Building Setback Line (FT)
1 BR	1,200	1,375	35
2 BR	1,700	1,850	35
3 BR	1,950	2,100	40
4 BR	2,150	2,300	40
5 BR	2,300	2,500	40

- b. General: Maximum impervious surface ratio (on-lot) – 0.65
 Maximum height – 12 FT
 Minimum atrium area (ratio to lot area) – 0.35
 Maximum atrium dimension – 16 FT
 Minimum atrium area – 288 SF

7. Townhouse

The townhouse is a single-family, attached dwelling unit, with one (1) dwelling unit from ground to roof, having individual outside access.

a. Table of Dimensional Requirements

	Minimum Lot Area (SF)	Average Lot Area (SF)	Minimum Lot Width at Building Setback Line (FT)
1 BR	1,500	1,600	18
2 BR	1,700	1,800	20
3 BR	1,900	2,000	22
4 BR	2,000	2,200	24
5 BR	2,200	2,400	28

- b. General: Maximum impervious surface ratio (on-lot) – 0.35
 Minimum building spacing – 30 FT
 Maximum floor area ratio – 0.75
 Maximum average number of units in structure - 8
 Minimum building setbacks – street – 30 FT

Minimum building setbacks – parking area – 20 FT
 Minimum building setbacks – pedestrian walk – 15 FT
 Maximum height – 50 FT

8. Garden Apartments

Garden apartments are multi-family dwelling units where individual dwelling units share a common outside access. They share with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments shall contain three (3) or more dwelling units in a single structure.

a. Table of Dimensional Requirements

	Average Apartment Area (SF)	Minimum Lot Area per DU (SF)
1 BR	720	1,300
2 BR	720	1,750
3 BR	950	2,000
4 BR	1,125	2,250
5 BR	1,330	2,550

- b. General: Maximum number of units per building – 16
 Minimum building spacing – 50 FT
 Minimum lot area – one (1) acre
 Minimum street frontage – 100 FT
 Maximum building height – 50 FT
 Minimum building setback line – street – 50 FT
 Minimum building setback line – parking area – 30 FT

9. Mid-Rise/High Rise

Mid-rise/high-rise apartments are multi-family dwellings where individual dwelling units share a common outside access, and elevators serve each floor. Each unit shares with other units a common yard area, which is the sum of their required lot areas of all dwelling units within the buildings. Mid-rise/high-rise apartments are permitted as part of performance standard subdivisions only in the R District.

a. Table of Dimensional Requirements

	Average Apartment Area (SF)	Minimum Lot Area per DU (SF)
1 BR	720	825
2 BR	720	825
3 BR	950	1,030
4 BR	1,125	1,210
5 BR	1,330	1,510

- b. General: Maximum impervious surface ratio (on-lot) – 0.60
Minimum street frontage – 200 FT
Maximum floor area ratio (on-lot) – 0.90
Minimum building setback line – street – 100 FT
Minimum building setback line – property line of development – 250 FT
Minimum lot area – 2 acres
Maximum building height – 70 feet
Maximum horizontal dimension – 180 FT
Minimum building spacing – 150 FT

(B7) MANUFACTURED HOME PARK

A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for dwelling or sleeping purposes and for nontransient use, provided:

1. All provisions of Section B7 and the Subdivision and Land Development Ordinance regulating manufactured home parks in Towamensing Township must be met.
2. The minimum yard requirements for each manufactured home lot space shall be thirty-five (35) feet for front and rear yards and fifteen (15) feet for side yards. Such yards shall be measured from the perimeter of the manufactured home.
3. Each manufactured home shall be installed as per the manufacturer's requirements and within the guidelines of the current adopted PA Uniform Construction Code Law.
4. Every manufactured home shall have access to a street.
5. The minimum number of spaces complete and ready for occupancy before the first occupancy is permitted shall be nine (9).
6. No space shall be rented for residential use of a manufactured home in any such park except for periods of thirty (30) days or more.
7. Community sewerage shall be required.
8. Plans for any manufactured home park shall be submitted in conformance with appropriate articles of the Towamensing Township Subdivision and Land Development Ordinance and any other Township Ordinance regulating manufactured home parks.
9. Minimum land area or acreage for a mobile home park is ten (10) acres.

10. Manufactured home parks must conform to the requirements for open space ratio, density and impervious surface ratio established for performance standard subdivisions in the Table of Site Standards, Section 508, for the appropriate districts.
11. Each manufactured home entering a park will be required to obtain a Zoning Permit and Building Permit from the Township.

(B8) ACCESSORY APARTMENT

The Zoning Hearing Board may approve Accessory Apartments as a Special Exception according to the procedures and requirements specified below:

1. The habitable floor area of the accessory apartment shall not exceed seven-hundred twenty (720) square feet.
2. Only one accessory apartment may be permitted within a single-family detached dwelling or on a single-family detached lot.
3. An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.
4. The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.
5. No Separate Utilities. All utilities shall be interconnected to the utilities of the principal dwelling unit.

(B9) ACCESSORY FARM DWELLING

Accessory farm dwellings are subject to the following criteria:

1. No more than one (1) accessory farm dwelling shall be permitted on a farm, except as allowed by applying for a conditional use hearing.
2. The minimum lot area and building setback requirements of the respective zoning district shall apply to the principal and accessory farm dwellings individually.
3. The off-street parking requirements of this Ordinance shall apply to both the principal and the accessory farm dwelling.
4. All water supply and sewage disposal facilities shall be approved by the appropriate agencies prior to the issuance of a building permit for the accessory farm dwelling.

5. The location of the accessory farm dwelling must also conform to the requirements of the Towamensing Township Subdivision and Land Development Ordinance.

(B10) BOARDING HOUSE (ROOMING HOUSE)

All Boarding Houses shall comply with the following:

1. All boarding houses shall be conducted in single-family detached dwellings legally existing as of the effective date of this Ordinance.
2. Not less than five thousand (5,000) gross square feet of lot area shall be provided for each rental unit.
3. All sewage and water facilities shall be inspected by the Township Sewage Enforcement Officer and shall comply with all applicable Pennsylvania Department of Environmental Protection regulations.
4. Lot areas shall not be less than one (1) contiguous acre.
5. All parking areas shall be set back twenty-five (25) feet from all lot lines.
6. All units shall have not less than two (2) means of egress.
7. There shall be no outside advertising other than a one (1) or two (2) sided sign, not more than two (2) square feet on each side. If illuminated, lights shall not glare towards other properties.

(B11) ECHO HOUSING

Where permitted, ECHO housing is subject to the following criteria:

1. The additional dwelling shall be of portable construction and may not exceed nine hundred (900) square feet of floor area;
2. The total building coverage for the principal dwelling, any existing accessory structures and the additional dwelling together shall not exceed the maximum lot coverage requirement for the respective zoning district;
3. The additional dwelling shall only be occupied by at least one person who is at least fifty (50) years old, handicapped, or disabled, and is related to the occupants of the principal dwelling by blood, marriage, or adoption;
4. The additional dwelling shall be occupied by a maximum of two (2) people;

5. Utilities

For sewage disposal and water supply and all other utilities, the additional dwelling shall be physically connected to those systems serving the principal dwelling. No separate utility systems or connections shall be constructed or used. All connections shall meet the applicable utility company standards; and,

If on-site sewer or water systems are to be used, the applicant shall submit evidence to the Zoning Hearing Board showing that the total number of occupants in both the principal dwelling and the elder cottage will not exceed the maximum capacities for which the one-unit systems were designed, unless those systems are to be expanded, in which case the expansion approvals are to be submitted. Any connection to or addition to an existing on-site sewer system shall be subject to the review and approval of the sewage enforcement officer;

6. The additional dwelling shall be installed and located only in the side or rear yards, and shall adhere to all side and rear yard setback requirements for principal uses;
7. The additional dwelling shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use; and,
8. Upon the proper installation of the additional dwelling, the Zoning Officer shall issue a temporary Zoning Permit. Such permit shall be reviewed every twelve (12) months until such time as the elder cottage is required to be removed. A fee, in the amount to be set by the Board of Supervisors, shall be paid by the landowner upon each renewal of the temporary Zoning Permit. Such fee shall be based upon the cost of the annual review of the permit.

(B12) SEASONAL RESIDENCE

Seasonal residences shall be subject to the same minimum lot area and other dimensional requirements as single-family detached dwellings (Use B1).

C. **INSTITUTIONAL AND RECREATION USES**

(C1) PLACE OF WORSHIP

Place of religious worship, provided that the following requirements are met:

	RC	R
Minimum lot size	3 acres	1 acre
Minimum lot width (FT)	300	150
Minimum front yard (FT)	40	40
Minimum side yard (FT)	30	40
Minimum rear yard (FT)	50	40
Minimum building area (%)	10	20

In all districts, access to a collector or primary street is required.

(C2) SCHOOL

Religious, sectarian and nonsectarian, denominational private school or public school which is not conducted as a private gainful business, provided that dormitories or other living accommodations for faculty or students shall meet the minimum requirements of Uses B1 through B7, which ever are applicable. Schools shall meet the open space and impervious surfaces requirements for performance standard subdivisions in the (R) Residential District.

(C3) COMMERCIAL SCHOOL

Trade or professional school, music or dancing, and karate school.

(C4) LIBRARY

Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.

(C5) PUBLIC RECREATIONAL FACILITY

Recreational facility or park; owned or operated by the Township or other governmental agency.

(C6 and C6a) PRIVATE RECREATIONAL FACILITY OUTDOOR AND INDOOR

A recreational facility owned or operated by a nongovernmental agency, subject to the following:

1. No outdoor active recreation area shall be located nearer to any lot line than the required front yard depth.
2. Outdoor play areas shall be sufficiently screened.
3. The facility must be accessory to residential development.
4. Noise must comply with Section 605.
5. Hours of operation shall be from dusk to dawn, unless allowed by Special Exception.

(C7) GOLF COURSE

Golf course (not including miniature golf course) including club house, restaurant and other accessory uses, provided these are clearly accessory to the golf course, subject to the following additional provisions:

1. A lot area of not less than sixty (60) acres shall be required.
2. No building shall be closer than one hundred (100) feet to any lot line.
3. A buffer shall be provided, in accordance with the provisions of Section 603, alongside and rear property lines where abutting properties are in any Residential District.

(C8) PRIVATE CLUB OR LODGE

Private club or lodge other than Use C6, subject to the following provisions:

1. The use shall not be conducted as a private gainful business.
2. The use shall be for members and their authorized guests only.

(C9) COMMUNITY CENTER

Community center, adult education center, or other similar facility operated by an educational, philanthropic, or religious institution, subject to the following additional provisions:

1. The use shall not be conducted as a private gainful business.

2. No outdoor recreation area shall be located nearer to any lot line than the required front yard depth.

(C10) CHILD DAY CARE CENTER (AS A PRINCIPAL USE)

In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, a child day care center (as a principal use) shall comply with the following specific conditions:

1. The use shall comply with any applicable county, state and federal regulations, including having an appropriate Pennsylvania Department of Human Services registration certificate or license.
2. Convenient parking spaces, within the requirements of this Ordinance shall be provided for persons delivering and waiting for children. Adequate provisions shall be provided for entrances and egress of traffic.
3. A minimum lot size of one (1) acre, or the minimum lot size required in the zoning district in which the use is located, whichever is greater.
4. The use shall include adequate measures to ensure the safety of children from traffic or other nearby hazards.
5. Outside play areas shall be limited to use between 8:00 A.M. and 8:00 P.M. (prevailing time) if located within two hundred (200) feet of a dwelling.
6. Outdoor play areas shall have minimum front, rear and side yards of fifty (50) feet each.
7. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
8. A day care center may occur in a building that also includes permitted or legally nonconforming dwelling units.
9. Except when inconsistent with the provisions herein set forth, child day care centers (as a principal use) shall comply with all other requirements of this Ordinance, the Towamensing Township Subdivision and Land Development Ordinance, the Uniform Construction Code as enacted in the Township, and any and all other Township Ordinances.
10. If a child day care center will use an on-lot septic system, the applicant shall provide evidence to the Sewage Enforcement Officer that such system is properly functioning and sufficient in size to serve the use.

NOTE: See also child day care center (as an accessory use to a residential use), Section 705 (H10).

(C11) NURSING HOME

Licensed nursing home, or convalescent home, subject to the following additional provisions:

1. A lot area of not less than three (3) acres plus 1,000 square feet per resident is required.

(C12) PERSONAL CARE HOME

Licensed personal care home, subject to the following additional provisions:

1. A lot area of not less than three (3) acres plus 1,000 square feet per resident is required.

(C13) CEMETERY

A burial place or graveyard including mausoleum or columbarium. Graves and structures must follow the setback requirements in the districts they are located in. No wetlands or floodplains shall be used for cemeteries.

(C14) CAMPGROUND

A campground shall be subject to the following specific conditions:

1. All access streets leading from streets to the camping areas shall comply with the requirements contained in the Towamensing Township Subdivision and Land Development Ordinance for a local street in a residential subdivision, except the required right-of-way width is forty (40) feet and the required pavement width is twenty (20) feet.
2. The internal access drive system (i.e. roads within the camping area) shall have a right-of-way width of no less than thirty (30) feet and a cartway width of no less than eighteen (18) feet, which cartway shall be constructed in compliance with the requirements contained in the Subdivision and Land Development Ordinance for a local street in a residential subdivision, except that the bituminous surface course shall not be required.
3. The minimum lot area for a campground shall be ten (10) acres.
4. The maximum density shall be twelve (12) campsites per acre, which shall be calculated by dividing the number of campsites by the number of acres of the lot area (including streets/drives) of the entire campground.

5. Each campsite shall have a minimum width of thirty (30) feet, a minimum length of thirty (30) feet, and a minimum area of two thousand (2,000) square feet.
6. All campsites shall have a setback of fifty (50) feet from any side or rear property line and a minimum of one hundred (100) feet from any street right-of-way line.
7. All playground and recreation areas shall be at least one hundred (100) feet from adjoining properties with the usage of such areas being limited to registered campers and their guests.
8. All campsites shall have access to a continuing supply of safe and potable water as approved by the Pennsylvania Department of Environmental Protection. Additionally, all campsites shall have access to public toilets and sanitation facilities in accordance with, and approved by, the Pennsylvania Department of Environmental Protection, in such a manner that no campsite in a campground shall be more than one hundred (100) yards from a public toilet and sanitation facility.
9. All campgrounds shall furnish centralized garbage collection systems.
10. All public toilets, sanitation facilities and garbage collection systems shall be located at least one hundred (100) feet from adjoining residential use or district.
11. Any accessory commercial and/or service facilities shall be located at least one hundred (100) feet from adjoining residential use or district and shall be limited to serve only the needs of the registered campers and their guests. Direct access to these facilities from a public street is prohibited.
12. All campgrounds shall provide not less than twenty (20) percent of the lot area (including streets/access drives) of the entire campground for open space.
13. All lighting facilities shall be designed and located so as not to produce a glare or direct illumination onto abutting properties.
14. All setbacks (except front yard setbacks) shall be landscaped to provide appropriate visual screening and buffering in accordance with Section 603 of this Ordinance.
15. Campsites shall not be used as permanent residences. Therefore, although a campsite can be leased for a longer period of time, and the tenants' tent, travel trailer or recreational vehicle can remain at a campsite for a longer period of time, the same tenants shall not occupy or reside at the same campsite (or any other campsite in the same campground) for more than one hundred eighty (180) days in any consecutive twelve (12) month period.

16. The owner of the campground shall maintain a registration list, or similar record, with sufficient information and detail, to determine conformance with and enable enforcement of the preceding Section 15. Such registration list, or similar record, shall be made available to the Township upon request of the Township Supervisors or person authorized by the Supervisors. The owner shall retain such registration list, or similar record, for a period of two (2) years.
17. Any camping unit and/or any accessory use to the camping unit must be removable within 24 hours.

(C15) MUNICIPAL USE

Any use of land, buildings or structure owned or operated by the Township or a municipal authority organized by the Township, for public purposes including auditoriums, civic and community centers, historical buildings and restorations, fire and police stations, marinas, lakes and ponds, museums, parks, play fields and playgrounds, municipal building including administrative buildings, equipment storage buildings and garages.

(C16) TREATMENT CENTER

In addition to the general conditions stated in Sections 703 and 704, and Article 12 of this Ordinance, treatment centers shall comply with the following specific conditions:

1. The applicant shall provide a written description of all types of residents the use is intended to include over the life of the permit. Any future additions or modifications to this list shall require approval as a conditional use.
2. The applicant shall prove to the satisfaction of the Supervisors that such use will involve adequate supervision and security measures to protect public safety.
3. The Supervisors may place conditions on the use as necessary to protect public safety, including conditions on the types of residents and security measures.

(C17) ADULT DAY CARE CENTER

In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, an adult day care center shall comply with the following specific conditions:

1. The use shall comply with any applicable county, state and federal regulations, including having an appropriate Pennsylvania Department of Human Services registration certificate or license.
2. Convenient parking spaces, within the requirements of this Ordinance shall be provided for persons delivering and waiting for adults. Adequate provisions shall be provided for entrances and egress of traffic.
3. A minimum lot size of one (1) acre, or the minimum lot size required in the zoning district in which the use is located, whichever is greater.
4. The use shall include adequate measures to ensure the safety of adults from traffic or other nearby hazards.
5. Outside recreation areas shall be limited to use between 8:00 A.M. and 8:00 P.M. (prevailing time) if located within two hundred (200) feet of a dwelling.
6. Outdoor recreation areas shall have minimum front, rear and side yards of fifty (50) feet each.
7. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
8. An adult day care center may occur in a building that also includes permitted or legally nonconforming dwelling units.
9. Except when inconsistent with the provisions herein set forth, adult day care centers (as a principal use) shall comply with all other requirements of this Ordinance, the Towamensing Township Subdivision and Land Development Ordinance, the Uniform Construction Code as enacted in the Township, and any and all other Township Ordinances.
10. If an adult day care center will use an on-lot septic system, the applicant shall provide evidence to the Sewage Enforcement Officer that such system is properly functioning and sufficient in size to serve the use.

(C18) POLICE OR FIRE STATION

1. See Municipal Use (C15).

(C19) OFF-ROAD VEHICLE TRACK

Off road vehicle tracks are subject to the following criteria:

1. The use shall meet all of the performance standards of Article 6. The applicant shall submit appropriate information on how compliance will be ensured.
2. Any area where off road vehicle engines will be run, warmed-up, or tested shall be setback a minimum of three hundred (300) feet from all lot lines of any existing dwelling.
3. The use shall be completely surrounded by a buffer yard as a described in Section 603.
4. Lighting perceptible beyond the property line shall be minimized in accordance with Section 610.
5. Noise and dust shall not be perceptible beyond any property line and must also comply with Sections 605 and 607, respectively.
6. Minimum Lot Area fifty (50) acres.

(C20) SHOOTING RANGE - OUTDOOR

Outdoor shooting ranges are subject to the following criteria:

1. Shooting Range Operations:
 - a. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
 - b. May not substantially damage the health, safety, or welfare of the Township, or its residents and property owners.
 - c. Must comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm.
 - d. The storage of live ammunition shall only occur in an approved secure vault.
 - e. Shall limit the number of shooters to the number of firing points or stations identified.
 - f. Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
 - g. Shall limit firing to the hours between one (1) hour after official sunrise and one (1) hour preceding official sunset, unless sufficient lighting is used, in which case all shooting shall cease by 9 P.M.

2. A development plan shall identify the Safety Fan for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon qualified expert report regarding the trajectory of the bullet, and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
3. The firing range, including the entire Safety Fan, shall be enclosed with a six (6) foot high, non-climbable fence to prevent unauthorized entry into the area. Range caution signs with eight inches (8) tall, red letters on a white background shall be posted at a maximum of one hundred foot (100) intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA, KEEP OUT!"
4. Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
5. All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
6. All shooting range facilities, including buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100) from the property line and street right-of-way.
7. The applicant shall present credible evidence that the sounds of shooting in the nearest residential zone do not exceed the ambient noise level.

(C20a) SHOOTING RANGE - INDOOR

Indoor shooting ranges are subject to the following criteria:

1. The shooting range must be fully enclosed within a building.
2. Shooting Range Operations:
 - a. May not substantially injure or detract from the lawful existing or permitted use of neighboring properties.
 - b. May not substantially damage the health, safety, or welfare of the Township, or its residents and property owners.
 - c. Must comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm.
 - d. The storage of live ammunition shall only occur in an approved secure vault.

- e. Shall limit the number of shooters to the number of firing points or stations identified.
 - f. Shall prohibit the consumption of alcoholic beverages within the area approved as the shooting range.
3. All shooting range facilities, including buildings and parking, shall be set back a minimum of one hundred feet (100) from the property line and street right-of-way.
 4. The applicant shall present credible evidence that the sounds of shooting in the nearest residential zone do not exceed the ambient noise level.

(C21) AMUSEMENT/VIDEO ARCADE AND POOL/BILLIARD HALL

Amusement/video arcades and pool/billiard halls are subject to the following criteria:

1. All activities shall take place within a wholly enclosed building.
2. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the arcade. Noise must comply with Section 605.

(C22) CONTINUING CARE RETIREMENT COMMUNITY

Where permitted, continuing care retirement facilities are subject to the following criteria:

1. Uses. A continuing care retirement community may include some or all of the following uses:
 - a. Residential dwelling units which are restricted to occupancy by households where the head of the household is 55 years or older, including:
 - (1) Multiple family dwellings, including apartments.
 - (2) Single family attached dwellings.
 - (3) Two-family dwellings, including single-family semi-detached dwellings and two family detached dwellings.
 - b. Accessory facilities where the applicant can demonstrate to the satisfaction of the Board of Supervisors that such facilities are clearly intended for use principally by residents, staff and visitors to the continuing care retirement facility, including:

- (1) Dining facilities.
- (2) Medical practice serving the general public.
- (3) Retail and services facilities.
- (4) Recreational facilities.
- (5) Worship facilities.
- (6) Maintenance shop, emergency power generation facilities, and laundry and kitchen facilities solely for the use of the continuing care retirement facility.

c. Accessory uses customarily incidental to a continuing care retirement community.

2. Design Requirements. All continuing care retirement communities shall meet the following minimum requirements:

- a. The minimum lot size for development as a continuing care retirement community shall be ten (10) acres.
- b. Not less than forty (40%) percent of a continuing care retirement community shall be designated as common open space. All common open space shall be designed and arrangements made for permanent maintenance.
- c. Not more than fifty (50%) percent of the continuing care retirement community tract shall be covered by impervious surfaces.
- d. No principal structure which is part of the continuing care retirement community shall be located within seventy-five (75) feet from any property line or street right-of-way line of the tract containing the continuing care retirement community.
- e. Uses within a continuing care retirement community may be, but are not required to be, located on individual lots.
- f. Accessory buildings shall be located in accordance with the requirements for the principal use to which they are accessory. No accessory building shall exceed fifteen (15) feet in height.
- g. Solid waste collection stations and parking area (excepting driveways) shall not be located within any minimum yard area.
- h. All uses within the continuing care retirement community shall be provided with public water and public sewer service.

- i. Sufficient exterior illumination of the parking area and drop-off sites for guests or visitors shall be provided for convenience and safety. All such illumination shall be shielded to eliminate glare on adjoining properties.
 - j. Off-street parking areas for visitors and guests shall be located conveniently throughout the continuing care retirement community.
- 3. Standards for residential units. All residential units within a continuing care retirement community shall meet the following requirements:
 - a. The maximum number of dwelling units within the continuing care retirement community shall not exceed three (3) dwelling units per acre. Personal care rooms or nursing beds in a nursing or convalescent home shall not be included within the calculation of the number of dwelling units.
 - b. All individual structures containing residential units shall meet the following setbacks from internal access drives and individual lot lines. The setback from an access drive shall be measured from the edge of the cartway. Where residential structures do not occupy separate lots, yard areas shall be measured such that no area meeting the yard requirements for one structure shall be counted toward the yard requirement for another structure.
 - (1) Front yard: Twenty (20) feet
 - (2) Side yard: Ten (10) feet
 - (3) Rear yard: Thirty (30) feet
 - c. The overall length of any single facade of any structure containing a residential dwelling shall not exceed one hundred fifty (150) feet. A facade extending in a single direction shall continue to be considered a single facade where not articulated or broken by a change in facade direction extending at least ten (10) feet perpendicularly. For purposes of facade measurement, unenclosed porches, patios, balconies, or similar protrusions shall not be considered part of the facade.
 - d. The maximum building height for any structure containing residential dwelling units shall not exceed forty-five (45) feet or four (4) habitable stories. Structures containing more than two habitable stories shall not be located less than one hundred (100) feet from any tract boundary.

(C23) HOSPITAL, URGENT, OR IMMEDIATE CARE CLINIC

Hospitals, urgent, or immediate care clinics are permitted by Conditional Use, subject to the following criteria:

1. Minimum lot area – five (5) acres.
2. Public or community sewer and water shall be used.
3. The subject property shall have frontage along a street.
4. All buildings and structures shall be set back fifty (50) feet from all property lines.
5. Emergency entrances shall be located on a building wall facing away from adjoining residentially-zoned and/or used properties.

(C24) RESORT

In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, a resort shall comply with the following specific conditions:

1. Minimum lot area – Ten (10) acres.
2. Minimum lot width – Four hundred (400) feet.
3. Minimum lot depth – Six hundred (600) feet.
4. Maximum lot coverage – Twenty-five (25) percent.
5. Minimum front setback – Seventy-five (75) feet.
6. Minimum side setback – One hundred (100) feet.
7. Minimum rear setback – One hundred (100) feet.
8. Maximum building height – 3 stories.
9. No intense activity area or intense outdoor recreation facility shall be erected within fifty (50) feet of a street line or within one hundred (100) feet of a lot line.
10. Points of vehicular ingress or egress shall be designed to minimize congestion and hazards at entrance or exit points and allow free movement of traffic on adjacent streets. Parking areas shall be at least fifty (50) feet from all lot lines.
11. The use of essential exterior light facilities and/or outdoor public address systems shall be subject to the approval of the Board of Supervisors.

12. All resorts shall comply with applicable requirements of State and County agencies regarding health, sanitation, fire protection and other facets of operation of such resorts.

(C25) CREMATORIUM

The operation of a crematorium shall comply with rules established by the Pennsylvania Department of Environmental Protection (PA DEP). No permit shall be issued by the Township until a permit is obtained from the PA DEP and a copy provided to the Township.

D. **OFFICE USES**

(D1) NEIGHBORHOOD OFFICE

Business, professional, governmental, medical, dental office or clinic for examination or treatment of persons as outpatients, including laboratories incidental thereto. If the lot size is no more than one (1) acre, the maximum size of the building shall be five thousand (5,000) square feet; if the lot size is more than one (1) acre but three (3) acres or less, the maximum size of the building shall be ten thousand (10,000) square feet.

E. **RETAIL AND CONSUMER SERVICES USES**

(E1) RETAIL STORE OR SALES

Retail shops and stores selling apparel, books, confections, drugs, dry goods, flower, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, greenhouses, fabrics and similar items. Also included within this use shall be the sale of soft drinks, beer, alcoholic beverages in sealed containers not for consumption on premises.

(E2) SERVICE BUSINESS

Service businesses including barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency, contractors, taxidermy, electricians, plumbers, and similar uses. In the LC District, the floor area may not exceed 5,000 square feet.

(E3) FINANCIAL ESTABLISHMENT

Bank, savings and loan association, credit union and other financial establishments.

(E4) EATING PLACE (SIT DOWN RESTAURANT)

Eating places for the sale and consumption of food and beverages without drive-in service and without take-out services. All food and beverages are to be served by waiters and waitresses and consumed inside the building while patrons are seated at counters or tables. The sale of alcoholic beverages must be incidental to the sale and consumption of food.

(E5) OTHER EATING PLACES (FAST FOOD)

Eating-place for the sale and consumption of food and nonalcoholic beverages other than Use E4.

1. Exterior trash receptacles shall be provided throughout the site and routinely emptied to prevent the scattering of litter.
2. Any exterior play areas shall be situated immediately adjacent to the building and completely enclosed by a minimum six (6) foot high fence.
3. Any exterior seating shall be situated immediately adjacent to the building and set back a minimum of twenty (20) feet from the site's interior access drives, aisles and parking spaces. No outdoor entertainment is permitted that is associated with any exterior seating areas.

(E6) REPAIR SHOP

Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including state licensed motor vehicle repairs. In the LC District, the floor area may not exceed 5,000 square feet.

(E7) UPHOLSTERER

Upholsterer or cabinet maker. In the LC District, the floor area may not exceed 5,000 square feet.

(E8) FUNERAL HOME

Mortuary or funeral home.

1. Minimum lot area shall be five (5) acres.

(E9) HOTEL

A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent.

(E10) BED AND BREAKFAST ESTABLISHMENT

Tourist home/bed and breakfast, subject to the following requirements:

1. No external alterations or additions shall be permitted in order to accommodate or facilitate tourist home/bed and breakfast.
2. Minimum unit size shall be one hundred eighty (180) square feet.
3. Applicant shall have SEO approval before a zoning permit shall be issued.
4. All PA Uniform Construction Code requirements must be followed.

(E11) ENTERTAINMENT, INDOOR

Entertainment and recreation facilities operated as a gainful business within a building.

(E12) ENTERTAINMENT, OUTDOOR

Entertainment and recreation facilities operated as a gainful business other than Use C6 and including an outdoor motion picture establishment. In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, outdoor entertainment facilities shall comply with the following specific conditions:

1. Those uses involving extensive outdoor activities shall provide sufficient screening and/or landscaping measures to mitigate any visual and/or audible impacts on adjoining properties.
2. Any structures exceeding the maximum permitted height may be permitted so long as they are set back from all property lines at least the horizontal distance equal to their height, plus an additional fifty (50) feet.
3. Waste holding (dumpster) areas shall be located no more than fifteen (15) feet from the principal building and shall be screened with a minimum eight (8) feet high screen if either natural or manmade materials.
4. The applicant shall furnish evidence that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, noise, light, litter, dust and pollution.

5. The applicant shall provide a plan for controlling traffic, loitering, accidents, noise, light, litter, dust, pollution, and hours of operation.
6. Required parking will be determined based upon the types of activities proposed and the schedule listed in Article 8. In addition, the Township may require an unimproved grassed overflow parking area to be provided for peak use periods. Such overflow parking areas shall be accessible only from the interior driveways of the permanent parking lot. Overflow parking areas shall contain fencing to prevent vehicles from crossing adjoining properties or directly accessing adjoining streets.
7. Any booths or other structures used for the collection of admission and/or parking fees shall be set back not less than fifty (50) feet from all property lines and arranged to prevent vehicle back-ups on adjoining streets during peak arrival periods. Any other collection of fees (roaming parking lot attendants) shall be conducted in a manner to prevent vehicle back-ups on adjoining streets. If, at any time after the opening of the commercial recreation facility, the Supervisors determine that traffic back-ups are occurring on adjoining streets, and such back-ups are directly related to the means of access to the subject property, the Supervisors can require the applicant to revise means of access to relieve the undue congestion.

(E13) TAVERN

An establishment, which serves alcoholic beverages for on-premise consumption and which is licensed by the PA Liquor Control Board.

(E14) LUMBER YARD

Lumber yard.

(E15) VETERINARIAN FACILITY (ANIMAL HOSPITAL)

In no event shall animal kennels be allowed as a primary use. Any such kennels shall meet all of the conditions and requirements of Section 705 (A5) (Kennel), including minimum lot size.

(E16) SERVICE STATION, WITH OR WITHOUT GAS PUMPS

Service station, with or without gas pumps, subject to the following provisions:

1. Must follow all state regulations for fuel pumps.

2. All activities except those to be performed at the fuel pump shall be performed within a completely enclosed building.
3. Fuel pumps shall be at least fifty (50) feet from any street right-of-way.
4. All automobile parts and similar articles shall be stored within a building.
5. Paint spraying or body and fender work shall not be permitted.
6. Lubrication, oil changes, tire changes and minor repairs shall be permitted if entirely within a building.

(E17) AUTOMOBILE AND TRUCK SALES

In the LC District, the floor area may not exceed 5,000 square feet.

1. Display areas are not permitted in the required front yard setbacks.
2. A twenty (20) foot buffer yard around all boundaries other than street boundaries shall be required. Such buffer yards shall meet all provisions of Section 603.

(E18) AUTOMOBILE AND TRUCK REPAIR

Automobile or truck repair garage, including paint spraying and body and fender work, or car washing facility, provided that all repair and paintwork is performed within an enclosed building.

(E19) RESERVED

(E20) SHOPPING CENTER

A neighborhood or regional shopping center, which is preplanned and designed as a complex of related structures and circulation patterns, subject to following criteria:

1. Shopping centers shall have a minimum site area of ten (10) acres.
2. Not more than twenty-five (25) percent of the total lot areas shall be occupied by buildings.
3. Signs when erected and maintained in accordance with the provisions of Article 9. In addition to signs permitted in Article 9 for the individual establishment, one (1) freestanding sign indicating the name of the shopping center, provided that (a) the area on any one (1) side of any such sign shall not exceed seventy-five (75) square feet and (b) the location and/or

orientation of such sign shall be as designated in connection with the required development plan.

4. Building Placement. No building or permanent structure, other than a permitted sign, shall be erected within one hundred (100) feet of a street line, or within fifty (50) feet of any other property line. No parking, loading, or service area shall be located less than thirty (30) feet from any property line.
5. Outdoor storage and displays shall conform to the provisions of Section 705 (H5).
6. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from any direct glare or hazardous interference of any kind.
7. Buffer yard along any residential [zoning district] boundary line shall be in accordance with the provisions of Section 603.

(E21) ADULT ENTERTAINMENT ESTABLISHMENTS

In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, adult entertainment establishments shall comply with the following specific conditions:

1. An adult entertainment establishment shall not be permitted to be located within one thousand (1,000) feet of any other adult-related facility;
2. No adult entertainment establishment shall be located within six hundred (600) feet of any Residentially-zoned land;
3. No adult entertainment establishment shall be located within six hundred (600) feet of any parcel of land, which contains any one (1) or more of the following specified land uses:
 - a. Amusement park;
 - b. Camp (for minor's activity);
 - c. Child care facility;
 - d. Church or other similar religious facility;
 - e. Community center;
 - f. Museum;
 - g. Park;
 - h. Playground;

- i. School; or
 - j. Other lands where minors congregate.
4. The distance between any two (2) adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment. The distance between any adult entertainment establishment and any land use specified above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult entertainment establishment to the closet point on the property line of said land use;
 5. No materials, merchandise, or film offered for sale, rent, lease, loan, or for view upon the premises shall be exhibited or displayed outside of a building or structure;
 6. Any building or structure used and occupied as an adult-related facility shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, or film are exhibited or displayed, and no sale materials, merchandise, or film shall be visible from outside of the building or structure;
 7. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise or film offered therein;
 8. Each entrance to the premises shall be posted with a notice specifying that persons under the age of twenty one (21) years are not permitted to enter therein and warning all other persons that they may be offended upon entry;
 9. No adult entertainment establishment may change to another adult entertainment establishment, except upon approval of an additional Special Exception;
 10. The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate;
 11. No unlawful sexual activity or conduct shall be permitted; and,
 12. No more than one (1) adult entertainment establishment may be located within one (1) building or shopping center.

(E22) SELF-SERVICE STORAGE FACILITY

Self-service storage facilities shall be-subject to the following conditions:

1. Parking

- a. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles are located on one side of the lane only and at least thirty (30) feet wide when cubicles are open onto both sides of the lane. Additionally, the parking/driving lane shall be at least thirty (30) feet wide between the ends of buildings.
- b. The parking/driving lanes shall be configured so as to minimize or eliminate dead-end streets. However, if a dead-end street is called for the closed end shall have a paved turn around having a minimum radius to the outer pavement edge or curb line of forty (40) feet and a minimum right-of-way radius of fifty (50) feet.
- c. The number of parking spaces required shall be as specified in Section 803 of this Ordinance.
- d. Required parking spaces may not be rented, or used for vehicular storage. However, additional parking area may be provided for recreational vehicle storage, subject to the provisions hereinafter set forth.
- e. All such spaces shall conform to this Ordinance and the Towamensing Township Subdivision and Land Development Ordinance.

2. Access Drives

- a. All access drives leading from public streets or alleys to self-service storage facilities shall have a minimum length of forty (40) feet. Additionally, there shall be provided either (1) ten (10) foot wide parking lanes adjacent to the full length of the access drive or (2) a parking area on the outside of the gate having one (1) parking space for every two hundred (200) storage cubicles or fraction thereof.
- b. One-way access drives shall have one (1) travel lane not less than fourteen (14) feet in width in addition to the ten (10) foot wide parking lanes. Two-way access drives shall have two (2) travel lanes not less than twelve and one-half (12.5) feet in width in addition to the ten (10) foot wide parking lanes.
- c. Access drives shall be constructed in accordance with this Ordinance and the Towamensing Township Subdivision and Land Development Ordinance.

3. Area Regulations.
 - a. The minimum lot size for a self-service storage facility shall be the greater of two (2) acres or the minimum lot size for the zoning district in which the facility is located.
 - b. The maximum lot size for a self-service storage facility is ten (10) acres.
 - c. Total lot coverage by buildings, structures and other impervious cover shall be limited to forty (40) percent of the total area.
4. Building Restrictions
 - a. No building shall exceed thirty-five (35) feet in height. Notwithstanding the foregoing, no building being used for self-storage facilities shall have more than one (1) story; and, the floor level of each story must be approximately the same as the finished grade level of the ground adjoining that story.
5. Setbacks
 - a. The minimum front yard, side yard and rear yard requirements stated in Section 509 of this Ordinance shall be applicable to self-service storage facilities.
 - b. Parking and internal drives are prohibited within said setbacks.
6. Landscaping, Fencing and Screening
 - a. All setbacks (except front yard setbacks) shall be landscaped to provide appropriate visual screening and/or buffering in accordance with Section 603 of this Ordinance. All areas on the site not covered by pavement or structures must be brought to finished grade and planted with turf or other appropriate ground cover(s) and with deciduous and/or coniferous plant materials.
 - b. A barrier must be provided around the perimeter of the self-service storage facilities so as to encompass all areas which will be used as part of the self-service storage development. Said barrier shall consist of either the solid facades of the storage structures or a fence.
 - c. If the barrier is to be provided by a fence, said fence shall be constructed on brick, stone, architectural tile, masonry units, wood, chain link with privacy slats, or other similar materials and shall have a minimum height of six (6) feet. Barbed wire is not a permitted material for the barrier itself, but barbed wire may be attached to the top of any barrier. The height of barbed wire shall not be considered part of the required barrier height.

- d. Signs or other advertising mediums shall not be placed upon, attached to, or painted on such barrier.
- 7. Outdoor Storage
 - a. In addition to the barrier provided around the perimeter of the self-services storage facility development, all outdoor storage areas must be fenced with a minimum eight (8) foot high chain link fence, or a six (6) foot chain link fence with two (2) feet of barbed wire on top.
 - b. Property stored in outside areas shall be limited to recreational vehicles, campers, boats or trailers parked in designated gravel areas. All such items must be licensed (if applicable) and in operable condition.
 - c. The configuration of parking spaces in the outdoor storage area, and the actual parking spaces, shall be shown on the Land Development Plan. The minimum width of aisles will be affected by the configuration of the parking areas; however, in no event shall they be less than thirty (30) feet in width.
- 8. Storage Units
 - a. Each individual storage unit shall be secured by a locking device.
- 9. Lighting
 - a. All outdoor lights shall be shielded to direct light and glare only onto the premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties. All areas around building shall be adequately illuminated.
- 10. Miscellaneous
 - a. Access to the premises shall be restricted by means of a lockable gate.
 - b. Auctions, commercial, wholesale or retail sales or miscellaneous garage sales are prohibited, other than judicial sales.
 - c. Servicing, repair and maintenance, cleaning or other similar activities are prohibited other than storage unit maintenance.
 - d. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment is prohibited.
 - e. Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations is prohibited.

- f. Storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins, or other similar items is prohibited.
 - g. Storage in interior aisles, off-street parking areas, loading areas, or driveway areas is prohibited.
- 11. Except when inconsistent with the provisions herein set forth, self-service storage facilities shall comply with all other requirements of this Ordinance and the Subdivision and Land Development Ordinance.

(E23) FARM IMPLEMENT SALES AND SERVICE

Farm implement sales and service facilities shall be permitted, subject to the following specific criteria:

- 1. No service of privately registered automobiles shall be permitted, except on an incidental basis. Repairs and service shall be limited to agricultural equipment and implements.
- 2. No fuel sales are permitted.
- 3. The Applicant shall demonstrate that the proposed type and location of the facility is necessary for the agricultural community.
- 4. Service and/or repair activities shall be generally conducted within a wholly enclosed building.
- 5. Display areas are not permitted in the required front yard setbacks.
- 6. No outdoor storage of junked or discarded vehicles, parts, equipment, or other materials used is permitted.
- 7. A twenty-five (25) foot buffer yard around all boundaries other than street boundaries shall be required. Such buffer yards shall meet all provisions of Section 603; unless a boundary is a zoning district boundary, then all provisions of Section 603 shall be met.

(E24) ANTIQUES, FLEA AND/OR FARMERS MARKET

Where permitted, antiques, flea and/or farmers markets are subject to the following criteria:

- 1. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or

walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above.

2. The retail sales area shall be set back at least fifty (50) feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
3. Off-street loading shall be calculated upon the retail sales area described above and according to the schedule listed in Article 8 of this Ordinance.
4. Any exterior lighting shall be arranged and designed to be adequately illuminated.
5. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
6. Exterior trash and recycling receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
7. Hours of operation are limited to 6:00 AM to 9:00 PM Eastern Standard Time.

(E25) CONVENIENCE STORE

Convenience stores are subject to the following criteria:

1. Exterior trash/recycling receptacles shall be provided and routinely emptied to prevent the scattering of litter.
2. The subject property shall have a minimum width of one hundred twenty-five (125) feet.
3. All structures (including gasoline pump islands, but not permitted signs) and machinery shall be set back at least fifty (50) feet from any street right-of-way line.
4. Access driveways shall be a minimum of twenty eight (28) feet wide and separated by one hundred (100) feet from one another, if located along the same frontage as measured from edge to edge.
5. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100) feet.
6. Any external lighting shall be arranged and/or screened to comply with those regulations contained within Section 610 of this Ordinance.

(E26) DRIVE-THRU FACILITIES

Drive-thru service facilities, including but not limited to facilities located accessory to banks, restaurants, beverage sales, etc., shall be subject to the following criteria, where applicable:

1. Drive-thru windows shall not be permitted along the front of any building.
2. Drive-thru windows shall be situated to provide sufficient space to stack vehicles waiting to transact business (stacking lane). The assumed number of vehicles within this lane shall be presented to the Zoning Officer and the Zoning Officer shall concur that sufficient stacking area is being provided.
3. The following comments relate to the drive-thru stacking lane.
 - a. The drive-thru stacking lane shall be separated from the site's interior access drives, aisles and parking spaces by an eight (8) foot wide landscaped island surrounded by curbing.
 - b. No doors to the building shall be permitted within the drive-thru stacking lane.
 - c. The site shall be designed so that vehicles waiting within the stacking lane will not interfere with traffic circulation within the site and within adjacent streets.
 - d. The drive-thru stacking lane shall have one-way traffic flow.
 - e. The drive-thru stacking lane shall have a minimum width of twelve (12) feet.
4. Traffic circulation within the entire site including all access drives, aisles, parking spaces and drive-thru stacking lane shall be adequately marked with signs and/or painted lines and symbols. All painted lines and symbols must be maintained by the Owner at all times.
5. Any speaker/microphone system for drive-thru service facilities shall be arranged to prevent objectionable noise impacts onto adjoining properties in accordance with Section 605.

(E27) MICRO BREWERY

1. Regulations same as eat in restaurant and tavern combined.

F. **UTILITY, SERVICE AND TRANSPORTATION USES**

(F1) UTILITY STATION

Transformer station, pumping station, relay station, towers (transmission or relay), substations and switching center. In Residential Districts, such uses shall be permitted only where all the following conditions are met:

1. Such installation is essential to service such residential areas; and
2. No public business office or any storage yard or storage building is operated in connection with it; and
3. A sixty (60) foot buffer yard shall be provided along all property lines, except for utility substations designed for local distribution.

(F2) EMERGENCY SERVICES

Fire, ambulance, rescue and other emergency services of a municipal or volunteer nature.

(F3) TERMINAL

Railway station, bus station or terminal.

(F4) INCINERATORS AND LANDFILLS

1. The operation of an incinerator and/or landfill shall comply with rules established by the Pennsylvania Department of Environmental Protection (PA DEP). No permit shall be issued by the Township until a permit is obtained from the PA DEP and a copy provided to the Township.
2. The minimum lot size shall be fifty (50) acres.
3. No incinerator and/or landfill operation shall be carried out within five hundred (500') feet of any property or street right-of-way line .
4. A fence at least eight (8') feet in height shall be erected along all boundaries of the area which is used as the incinerator and/or landfill. This fence shall be erected on an earthen berm at least twelve (12') feet in height with a minimum top width of ten feet and a side slope of 2:1 to create a solid visual barrier.
5. The combined height of the earthen berm and fence shall at all times exceed the height of the landfill by twenty (20') feet.

(F5) COMMUNICATION TOWER

Communication towers shall be permitted as a Conditional Use in all zoning districts, subject to the following conditions:

1. Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower (hereinafter collectively referred to as structures). A good faith effort shall require that all owners of potentially suitable structures within a one-quarter ($\frac{1}{4}$) mile radius of the proposed communication tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
 - a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
 - b. The proposed communication tower or antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and interference cannot be prevented at a reasonable cost.
 - c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - d. Addition of the proposed communication tower or antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - e. A commercially reasonable agreement could not be reached with the owners of such structures.
2. The applicant shall be required to demonstrate, using technological evidence, that the communication tower must be located where it is proposed.
3. The applicant shall be required to demonstrate that the communication tower and antenna is the minimum height required to function satisfactorily.
4. The applicant shall demonstrate that the proposed communications tower support structure is safe and that the surrounding area will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, radio or satellite frequency interference.

5. A fence shall be required around the communication tower and other equipment. The fence shall be at least eight (8) feet in height. Any wire on top of the fence shall not be included in the measurement of the height of the fence.
6. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground level features (such as buildings):
 - a. An evergreen screen shall be required to surround the site. The screen can be either a hedge or a row of evergreen trees. The evergreen screen shall be a minimum height of six (6) feet at planting, and shall grow up to a minimum of fifteen (15) feet at maturity. Said evergreen screen shall be planted on the outside of the fence at least fifteen (15) feet from the fence; and
 - b. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
7. All other uses associated with the communication tower, such as a business office, maintenance depot or vehicle storage, shall not be located on the same site unless the use is otherwise permitted in the zoning district in which the site is located.
8. In order to reduce the number of communications towers needed in the Township in the future, any proposed support structure shall be designed and made available to accommodate other users, including but not limited to, other communication competitors, police, fire and emergency services.
9. The applicant shall obtain a building permit in accordance with any applicable building code prior to commencement of construction or any modification of any communication tower.
10. If the use of the communication tower requires licensing by any state or federal agency, including, but not limited to the Federal Communications Commission, the applicant shall present evidence that it has obtained such license.
11. Communication towers shall be painted silver, have a galvanized finish, or be some other color that will minimize their visual impact. Communication towers shall meet all applicable Federal Aviation Administration Regulations. No communication tower may be artificially lighted except when required by the Federal Aviation Administration or by state regulations.
12. Provided the communication tower complies with all the other requirements herein set forth, there is no minimum lot area.
13. More than one (1) communication tower may be located on a single lot.

14. A full site plan prepared by either a registered surveyor or a professional engineer, with elevations prepared by a professional engineer, shall be required for communication tower sites, showing the communication tower, buildings, fences, buffering, access and any accessory structures.
15. The minimum front, rear and side yard setback requirements for all buildings and structures on said lot (other than the communication tower) shall be the minimum setback requirements of the district in which the lot is located. The minimum front, rear and side yard setback requirements for the communications tower shall be the minimum setback requirements of the district in which the communications tower is located, or equal to one hundred ten percent (110%) of the height of the communications tower, whichever is greater.
16. Communication towers shall be set back a distance of at least one hundred ten percent (110%) of their height from any building on the same lot as the communication tower, except buildings accessory to the communication tower.
17. Communication towers shall be maintained in an operational state with no structural defects or visible damage to said communication tower.
19. The height of the communications tower shall be measured from the finished grade at the base of the communications tower to the highest point of the communications tower or any antennae associated with the communications tower, whichever is greater.
20. In the event a communication tower ceases operation or use on a lot for a period of twelve (12) consecutive months, the communication tower and any auxiliary components, which exceed the maximum building height limitation in the zoning district in which the lot is located, shall be removed within ninety (90) days from the date the communication tower ceases to operate or be used. [within six (6) months of the expiration of such twelve (12) month period]. Further, both the owner of the lot and the owner of the communication tower, if different from the owner of the lot, shall notify the Zoning Officer at least thirty (30) days before operation or use of the communication tower ceases, and both the owner of the lot and the owner of the communication tower, if different from the owner of the lot, shall be jointly and severally responsible for removing those items which exceed the maximum building height limitation of the zoning district in which the lot is located. The Zoning Hearing Board may require a bond or other security to insure that the communications tower and any auxiliary components are dismantled and removed as required by this section.

(F6) COMMUNICATION ANTENNA

Communications antennas attached to an existing communication tower, smoke stack, water tower, farm silo or other tall structure, are permitted in all zoning districts, provided:

1. Any applicant proposing communications antennas to be mounted on a building or other structure shall comply with and submit the following:
 - a. A certification from a Pennsylvania registered professional engineer that the proposed installation will not exceed the structural capacity of the building or other structure, considered wind and other loads associated with the antenna location.
 - b. A copy of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
2. That the height of the antenna shall not exceed the height of the existing structure by more than ten (10) feet.
3. Building mounted communications antennas shall not be located on any residential structure.
4. All other uses associated with the communication antenna, such as a business office, maintenance depot or vehicle storage, shall not be located on the site unless the use is otherwise permitted in the zoning district in which the communications antenna is located.

(F7) SOLAR FARM

Solar farms shall be subject to the following conditions:

1. A permit shall be required for every solar farm installed at any location in the Township and intended to supply electricity other than for the needs of the principal use on that lot.
2. All ancillary uses to the solar farm (including a business office, maintenance depot, etc., greater than one thousand (1,000) square feet) are prohibited, unless otherwise permitted in the zoning district in which the solar farm is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar farm.
3. A solar farm shall be permitted on a property with an existing use subject to the following land development standards:

- a. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the zoning district in which the solar farm is located shall apply.
- b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation access drives of the existing use.
- c. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

4. Standards

- a. If the parcel on which the solar farm is a separate and distinct parcel, the zoning district minimum lot size shall apply and in all cases, the lot shall be of such size that all required setbacks are satisfied. No solar farm shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures and safety items shall be a minimum of thirty (30) feet.
- b. If the land on which the solar farm is leased, or is used by license or easement, the setback for any solar farm, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of thirty (30) feet from the line of lease, license or easement. No solar farm shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.
- c. No solar farm shall be located less than one hundred (100) feet from any principal residential structure existing prior to the erection of the solar farm.
- d. A fence shall be required around solar farms and other equipment. The fence shall be at least six (6) feet in height.
- e. Landscaping, buffering, and screening in compliance with Article 6 of this Ordinance and the applicable provisions of the Township's Subdivision and Land Development Ordinance shall be required to screen as much of the solar farm ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar farm ground features from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

- f. The applicant must demonstrate that it has obtained the required licenses from governing state and Federal agencies. The applicant shall also document compliance with all applicable state and Federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar farm.
- g. Access to the solar farm shall be provided from a street by means of an access drive. If the solar farm site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
- h. Should any solar farm cease to be used, the owner or operator or then owner of the land on which the solar farm is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and assess the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- i. A full site plan shall be required for all solar farm sites, showing the solar farm, solar arrays, building, fencing, buffering, access, and all other items required for uses by this Ordinance.

(F8) LARGE WIND ENERGY PRODUCTION FACILITY (WIND FARM)

Large wind energy production facilities shall be subject to the following conditions:

- 1. The layout, design, and installation of large wind energy production facilities shall conform to applicable industry standards, including those of the ANSI, Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the ASTM, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
- 2. Large wind energy production facilities shall not generate noise which exceeds fifty-five (55) decibels measured at any property line.
- 3. All on-site utility and transmission lines extending to and from the large wind energy production facility shall be placed underground.
- 4. All large wind energy production facilities shall be equipped with a redundant braking system. 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. Staff regulation shall not be considered a sufficient braking system for overspeed protection.

5. Large wind energy production facilities shall not be artificially lighted, except to the extent required by the FAA.
6. Wind turbines and towers shall not display advertising, except for reasonable identification of the large wind energy production facility's manufacturer. Such sign shall have an area of less than four (4) square feet.
7. Wind turbines and towers shall be a non-obtrusive color such as white, off-white or gray.
8. All large wind energy production facilities shall, to the extent feasible, be sited to prevent shadow flicker on any occupied building on adjacent lot.
9. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations or fence.
10. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
11. No portion of any large wind energy production system shall extend over parking areas, access drives, driveways or sidewalks.
12. All large wind energy production facilities shall be independent of any other structure and shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure, property line, street right-of-way, or overhead utility line.
13. The minimum height of the lowest position of the wind turbine shall be thirty (30) feet above the ground.
14. All large wind energy production facilities shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, or the wind turbines' climbing apparatus shall be limited to no lower than twelve (12) feet from the ground, or the wind turbines' climbing apparatus shall be fully contained and locked within the tower structure.
15. The large wind energy production facility owner is required to notify the Township immediately upon cessation or abandonment of the operation. The large wind energy production facility owner shall then have twelve (12) months in which to dismantle and remove the large wind energy production facility from the lot. At the time of issuance of the permit for the construction of the large wind energy production facility, the owner shall provide financial security in form and amount acceptable to the Township to secure the expense of dismantling and removing said structures.

16. The owner of the large wind energy production facility shall be required to provide a certificate of insurance to the Township providing evidence of liability insurance of not less than One Million Dollars (\$1,000,000.00) and naming the Township as an additional insured on the policy or policies of the owner and/or lessee.
17. A permit shall be required for every solar farm installed at any location in the Township and intended to supply electricity other than for the needs of the principal use on that lot.

(F9) AIRPORT

Where permitted, airports are subject to the following criteria:

1. Minimum lot area – Thirty (30) acres;
2. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application; and,
4. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

(F10) HELIPORT

Where permitted, heliports are subject to the following criteria:

1. Minimum lot area – Five (5) acres;
2. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations;
3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application; and,
4. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300) feet from any property line.

G. **INDUSTRIAL USES**

(G1) MANUFACTURING – 100,000 SQUARE FEET OR LESS

Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs and products, in buildings with a combined gross floor area of 100,000 square feet or less.

(G1a) MANUFACTURING – MORE THAN 100,000 SQUARE FEET

Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs and products, in buildings with a combined gross floor area of more than 100,000 square feet.

(G2) RESEARCH

Research, testing or experimental laboratory.

(G3) WHOLESALE BUSINESS, WHOLESALE STORAGE, WAREHOUSING –
100,000 SQUARE FEET OR LESS

Wholesale business, wholesale storage, and warehousing, in buildings with a combined gross floor area of 100,000 square feet or less.

(G3a) WHOLESALE BUSINESS, WHOLESALE STORAGE, WAREHOUSING –
MORE THAN 100,000 SQUARE FEET

Wholesale business, wholesale storage, and warehousing, in buildings with a combined gross floor area of more than 100,000 square feet.

(G4) PRINTING

Printing, publishing, or binding.

(G5) TRUCK (OR MOTOR FREIGHT) TERMINAL

Trucking terminal licensed by the Public Utilities Commission.

(G6) PLANING MILL

Planing mill where wood products are sold or processed into finished items, such as molding, trim, etc.

(G7) MILL

Mill where grain, lumber and similar products are processed.

(G8) JUNKYARD

Junkyards shall be at least four hundred (400) feet from any existing residential use and subject to the following conditions:

1. No material shall be placed in any junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other natural causes.
2. The boundaries of any junkyard shall at all times be clearly delineated by a fence.
3. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
4. All junk yards materials and activities not within fully enclosed buildings shall be surrounded by a fence, at least eight (8) feet in height, and maintained in good condition. Any gate in such fence shall be similarly constructed and maintained, and shall be kept locked at all times when the junkyard is not in operation. Additionally, screening shall be required in accordance with Section 603, and the yard requirements included in Article 5 for buildings shall be met.
5. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of material above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
6. No burning shall be carried on in any junk yard. Fire hazards shall be prevented by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles at least twenty (20) feet for escape and firefighting, and by other necessary measures.
7. Stacking of materials shall not exceed eight (8) feet in height.

(G9) EXTRACTIVE OPERATIONS

Sand, clay, shale, gravel, topsoil, or similar extractive operations including burrow pits (excavations for removing material for filling operations). Extraction incidental to construction-related or development purposes on the same lot shall be permitted in any zoning district. When applying for a Zoning Permit, the applicant shall provide the following plans and information:

a. Plans Required

Before applying to the Township for a permit, applicant must receive permitting from DEP, Bureau of Mines, and Soil Conservation District.

a. Plans of General Area (within a one-mile radius of site) at a scale of 1,000 feet to the inch or less with 20-foot contour interval or less to show:

(1) Existing Data

- (a) Location of proposed site.
- (b) Land use pattern including locations of historical sites and buildings.
- (c) Roads – indicating major streets and showing width, weight loads, types of surfaces and traffic data.

(2) Proposed Data

- (a) Subdivisions.
- (b) Parks, schools and churches.
- (c) Highways (new and reconstructed).
- (d) Other uses pertinent to proposal.

b. Plan of Proposed Site at a scale of 100 feet to the inch or less with five-foot contour interval or less to show:

(1) Basic Data

- (a) Soils and geology.
- (b) Groundwater data and watercourses.
- (c) Vegetation – with dominant species.
- (d) Wind data – directions and percentage of time.

(2) Proposed Usage

- (a) Final grading by contours.
- (b) Interior street patterns, its relation to operation yard and points of ingress and egress to State and Township streets.
- (c) Estimated amount and description of aggregate and overburden to be removed.
- (d) Ultimate use and ownership of site after completion of operation.
- (e) Source of water if final plan shows use of water.
- (f) Plan of operation showing:
 - i. Proposed tree screen locations.
 - ii. Soil embankments for noise, dust, and visual barriers and heights of overburden mounds.
 - iii. Method of disposition of excess water during operation.
 - iv. Location and typical schedule of blasting.
 - v. Machinery – type and noise levels.
 - vi. Safety measures - monitoring of complaints.
- (g) A buffer yard having a width of one-hundred (100) feet must be provided and maintained for extraction operations around the perimeter of the entire site.
- (h) Access to an arterial street must be provided.

2. Performance Standards

- a. Operation. Extractive operations shall meet all development and performance standards of Article V and Article VI.
- b. Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within one hundred twenty-five (125) feet from any street right-of-way or property line, nor within two hundred (200) feet of any Residential or Commercial District boundary line.
- c. Grading. All excavations, except stone quarries over twenty-five (25) feet in depth, shall be graded in such a way as to provide an area

which is harmonious with the surrounding terrain and not dangerous to human or animal life.

- (1) Excavations shall be graded and backfilled to grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by the use of waste products of the manufacturing operation or other materials, providing such materials are composed of nonnoxious, noncombustible solids.
 - (2) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle strippage of such material or forty-five (45) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in Paragraph (b) above may be reduced by one-half, such that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one hundred (100) feet of any Residential or Commercial District boundary line.
 - (3) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ration of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
 - (4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.
- d. Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
- e. Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material for the prevention of soil erosion and to provide vegetative cover.

When buildings are proposed as part of the final use to which the tract is put, areas adjacent to buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

- f. Stone Quarry. Stone quarries whose ultimate depth shall be more than twenty-five (25) feet shall provide the following:
- (1) A screen planting within the setback area as delineated in Paragraph (b) above shall be required. Such a screen shall be no less than twenty-five (25) feet in width and set back from the excavation so as to keep the area from the excavation planted in grass or ground cover and clear of any obstruction. Such planting shall not interfere with the provisions of Section 603.
 - (2) A chain link (or equal) fence at least ten (10) feet high and with an extra slanted section on top strung with barbed wire, shall be placed at either the inner or outer edge of planting.
 - (3) Warning signs shall be placed on the fence at intervals of not less than one hundred (100) feet completely surrounding the area.

(G10) OIL AND GAS OPERATIONS

1. A site plan, prepared by a licensed Engineer, which shows all drilling and production operations, including derricks, vacuum pumps, storage tanks, vehicle parking, structures, machinery, temporary housing, ancillary equipment, transmission lines, etc., shall be provided.
2. A 'Traffic Impact Study', which includes a description of the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the sitting, drilling, completion, alteration and operation of the facility, shall be provided. The study shall include an inventory, analysis, and evaluation of existing street conditions along any proposed transportation route to the site, including photography and video logs.
3. A 'Water Withdrawal Plan', which identifies the source of water, how many gallons will be used and withdrawn each day, the origination of the water, and the location where the water will be treated and/or disposed, shall be provided.
4. Oil and gas operations shall comply with rules established by the Pennsylvania Department of Environmental Protection (PA DEP). No permit shall be issued by the Township until a permit is obtained from the PA DEP and a copy provided to the Township.
5. The minimum lot size shall be fifty (50) acres.
6. No oil and gas operation, except for transmission lines, shall be carried out within five hundred (500') feet of any property or street right-of-way line.

7. A fence at least eight (8') feet in height shall be erected along all boundaries of the area which is used as the oil and gas operation. Immediately outside the fence, evergreen trees shall be planted to provide a visual screen.
8. Noise must comply with Section 605.

(G11) WASTE OPERATIONS

Where permitted, solid waste processing facilities are subject to the following criteria:

1. Any processing of solid waste (including but not limited to incineration, composting, shredding, compaction, material separation, refuse derived fuel, pyrolysis, etc.) shall be conducted within a wholly-enclosed building.
2. No refuse shall be deposited or stored, and no building or structure shall be located within two hundred feet (200) of any property line, and five hundred (500) feet of any residential dwelling unit.
3. Any external area used for the unloading, transfer, storage, or deposition of refuse must be completely screened from view at the property line. (The use of an earthen berm is encouraged where practicable.) In addition, such areas must also be completely enclosed by an eight (8) foot-high fence, with no openings greater than two (2) inches in any direction.
4. The applicant must demonstrate compliance (through a written statement) and continue to comply with all applicable State and Federal standards and regulations.
5. The use shall be screened from all adjoining residentially-zoned properties.
6. All uses shall provide sufficiently-long stacking lanes into the facility, so that vehicles waiting to be weighed will not back-up onto public roads.
7. All access drives onto the site shall be paved for a distance of at least two hundred (200) feet from the street right-of-way line. In addition, if portions of on-site access drives are unpaved, then a fifty (50) foot-long gravel section of driveway shall be placed just beyond the preceding two-hundred-foot paved section to help collect any mud that may have attached to a vehicle's wheels.
8. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked

barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

9. Hazardous waste as described by the PA DEP shall not be disposed of within the proposed area.
10. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township with the application.
11. The unloading, processing, transfer, and deposition of solid waste shall be continuously supervised by a qualified facility operator.
12. Any waste that cannot be used in any disposal process/or material that is to be recycled, shall be stored in leak- and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely-enclosed building.
13. Any storage of solid waste shall be indoors in a manner that is leak and vector-proof. During normal operation, no more solid waste shall be stored on the property that is needed to keep the facility in constant operation; but, in no event for more than seventy-two (72) hours.
14. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
15. All structures shall be set back at least a distance equal to their height.
16. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. 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 safe through-movement on the existing road.
17. A minimum one-hundred (100) foot wide landscape strip shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site must not be located within this landscape strip.

H. **ACCESSORY USES**

(H1) HOME OCCUPATION

Customary home occupation for gain.

1. Including, but not limited to, the following: art studio, teaching of not more than four (4) people simultaneously; or in the case of musical instruction, not more than two (2) people at one time; seamstress, handicrafts or other like activity; barber shop and beauty parlor limited to serving one (1) person at a time; and greenhouse.
2. Not including the following: animal hospital; commercial stables and kennels; funeral parlors or undertaking establishments; antique shop; tourist home; restaurants; and rooming, boarding or lodging house.
3. A home occupation shall conform to the following regulations:
 - a. The home occupation shall be carried on entirely indoors and within a dwelling or other structure accessory thereto.
 - b. There shall be no use of show windows, displays or advertising visible outside the premises to attract customers or clients other than the home occupation announcement sign as permitted in Section 902 (home occupation sign definition) and 903 A.1.b.
 - c. There shall be no exterior storage of materials.
 - d. No external alterations, additions, or changes to the structure shall be permitted in order to accommodate or facilitate a home occupation.
 - e. No articles shall be sold or offered on the premises for sale except such as may be produced on the premises.
 - f. Frequent and repetitive servicing by commercial vehicle for supplies and materials shall not be permitted.
 - g. The home occupation shall be operated only by members of the immediate family residing at the dwelling and not more than two (2) nonresident employees.
 - h. The floor area devoted to a home occupation shall not be more than twenty-five (25) percent of the ground floor area of the principal residential structure, excluding garage.

(H2) ACCESSORY OFFICE

Accessory office of realtor, insurance salesman, physician, lawyer, clergyman, teacher or other profession of like character provided that:

1. The area devoted to the permitted professional use shall be located within the practitioner's dwelling.
2. The floor area devoted to such professional use shall be equivalent to not more than twenty-five (25) percent of the ground area covered by the practitioner's dwelling, excluding the ground area covered by an attached garage or such other similar building.
3. Not more than two (2) employees, assistants or associates, in addition to the resident practitioner, shall be employed on the premises.
4. No external alterations shall be made which involve construction features not customary to dwellings.
5. No signs shall be permitted, except an accessory-use sign in accordance with the provisions of Section 903 A.1.d.

(H3) RESIDENTIAL ACCESSORY BUILDING

Residential accessory building, structure or use, including but not limited to:

1. Structures such as fences, walls, private swimming pools.
2. Buildings such as storage sheds, bathhouses, private greenhouses, and detached garages.

Residential accessory buildings shall be specifically designed and constructed for their intended purpose (e.g., a residential accessory building to be used for storage shall be specifically designed and constructed as a storage building); and vehicles, trailers, campers, busses, manufactured homes and the like, or parts thereof, shall not be permitted or used as residential accessory buildings.

(H4) DORMITORY

An accessory building for the residency of students, religious orders, teachers or others engaged in the primary activity of the institution where individuals need to live on the site. The density in such areas shall be based on persons per acre, since dormitories are not family dwellings. The following standards shall apply:

1. No more than twenty-five (25) percent of any institution tract may be devoted to dormitory use.

2. Each dormitory resident shall have a minimum of one hundred eighty (180) square feet of space within the building.
3. No more than twenty-five (25) percent of land devoted to dormitory use shall be covered by impervious surfaces.

(H5) OUTDOOR STORAGE OR DISPLAY

1. Outside storage or display necessary but incidental to the normal operation of a primary use, subject to the following additional provisions:
 - a. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage or display.
 - b. Outside storage and display area shall occupy an area of less than one-half the existing building coverage.
2. Uses requiring more substantial amounts of land for storage or display may be exempt from the provisions of Paragraph H5 1.b. above when granted as a Special Exception by the Zoning Hearing Board. Neither the principal use nor the outside storage and display use shall encroach upon the minimum required yards and buffers yards of the district.

(H6) TEMPORARY STRUCTURE

Temporary structure or use. A temporary Zoning Permit may be issued for structures or uses necessary during construction or other special circumstances of a nonrecurring nature, subject to the following additional provisions:

1. The time period of the permit shall be six (6) months. This permit may be subsequently renewed twice for three (3) month time extensions each.
2. Temporary nonconforming structures or uses shall be subject to authorization by the Zoning Officer.
3. Such structure or use shall be removed completely upon expiration of the permit without cost to the Township.

(H7) OFF-STREET PARKING

Off-street parking subject to the provisions and requirements of Article 8.

(H8) SIGNS

Signs subject to the provisions and requirements of Article 9.

(H9) FARM USES

Farm-related business necessary to the conduct of agricultural activities, such as the sale of seed and fertilizer and the repair of farm machinery, subject to:

1. The business shall be conducted on a farm.
2. The business shall be conducted only by the proprietor of the farm on which the business is located or by a person employed on that farm for the purpose of participating in the conduct of agricultural operations.
3. The conduct of the business on a farm shall be secondary to the use of the farm for agricultural activities.

(H10) CHILD DAY CARE CENTER (AS AN ACCESSORY USE TO A RESIDENTIAL USE)

A child day care center (as an accessory use to a residential use), subject to the following specific requirements:

1. The following shall be the maximum number of children that may be cared for in any dwelling unit:
 - a. In a single-family detached dwelling with a minimum lot area of one (1) acre and minimum front, rear, and side yards of fifty (50) feet each: maximum of six (6) children who are not “related” to a permanent resident of the dwelling.
 - b. In any other dwelling unit: maximum of three (3) children, beyond those children who are “related” to a permanent resident of the dwelling.
2. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use.
3. Any child day care center involving seven (7) or more children shall be considered a principal use and meet the standards of Section 705 (C10) for such use, if permitted.
4. The use shall be operated by a permanent resident of the dwelling who shall be actively involved in the child day care center and present at the child day care center during the majority of hours it is in operation.

(H11) WIND TURBINE

Wind turbines, when authorized by the Board of Supervisors, shall be permitted as a Conditional Use in all zoning districts as an accessory use. In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, wind turbines shall comply with the following specific conditions:

1. The wind turbine shall be independent of any structure and shall be located a minimum distance of one hundred ten (110) percent times the turbine height from any property line.
2. No part of the wind turbine shall be located within or above any required front, side or rear setback.
3. The minimum height of the lowest position of the wind rotor shall be twenty-five (25) feet above the ground.
4. Audible sound from a wind turbine shall not exceed 55 dBA as measured at any location on any property other than the lot on which the wind turbine is located. Methods for measuring and reporting acoustic emissions from wind turbines shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1-1989 titled: *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier*.
5. Wind turbines shall not be climbable up to twelve (12) feet above the ground surface.
6. To the extent applicable, the wind turbine shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended, and the regulations adopted by the Department of Labor and Industry.
7. The design of the wind turbine 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.
8. Wind turbines shall be equipped with a redundant braking system. 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.
9. All electrical components of the wind turbine shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

10. Wind turbines shall be a non-obtrusive color such as white, off-white or gray.
11. Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
12. Wind turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, which sign shall have an area of less than two hundred (200) square inches.
13. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.
14. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
15. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along guy wires up to a height of ten (10) feet from the ground.
16. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm caused by the wind turbine.
17. When a building is necessary for storage cells or related mechanical equipment, the building must not exceed one hundred fifty (150) square feet in area, fifteen (15) feet in height, and must not be located within any required front, side or rear setbacks,
18. The resultant energy harnessed from the wind shall only be used on the property on which the wind turbine is located.
19. The wind turbine shall comply with all other applicable regulations and requirements as set forth in this Ordinance. However, land development approval shall not be required under the Towamensing Township Subdivision and Land Development Ordinance for a single wind turbine.
20. The landowner shall, at his expense, complete decommissioning of the wind turbine within twelve (12) months after the end of the useful life of the wind turbine. It shall be presumed that the wind turbine is at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
21. Decommissioning of the wind turbine shall include removal of the wind turbine, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities. Disturbed earth shall be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

22. The wind turbine shall be subordinate to and located on the same lot occupied by the principal use to which it relates.
23. The Wind Turbine Generation cannot exceed 10% over electric usage of the property where the Turbine system is installed. Over 10% usage will be considered a wind farm and not an accessory wind energy system.

(H12) NO-IMPACT HOME-BASED BUSINESS

No-Impact Home-Based Businesses are permitted as a use by right in all districts, except that such permission shall not exceed any deed restriction, covenant or agreement restricting the use of the land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

- A. A no-impact home-based business is 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.
- B. 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 employees other than family members residing in the dwelling.
 3. There shall be no display or sale of retail goods and no stockpiling of 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.
 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.

(H13) ACCESSORY SOLAR ENERGY SYSTEMS

Accessory solar energy systems, when authorized by the Board of Supervisors, shall be permitted as a Conditional Use in all zoning districts as an accessory use. In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, accessory solar energy systems shall comply with the following specific conditions:

A. Accessory Solar Energy Systems – General Requirements

1. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of Pennsylvania.
2. The solar energy system shall comply with all applicable Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system.
3. In order to ensure the safety of emergency responders and in accordance with Township requirements, the type of solar energy system (thermal, chemical or electrical) and the system shut-off location(s) shall be clearly identified on the equipment.
4. Before any construction can commence on any solar energy system the property owner must acknowledge that he/she is the responsible party for owning and maintain the solar energy system. If the solar energy system is abandoned or is in a state of disrepair it shall be the responsibility of the property owner to remove or maintain the solar energy system.
5. Generation cannot exceed 10% over electric usage of the property where the solar system is installed. Over 10% usage will be considered a solar farm and not an accessory solar energy system.

B. Solar Collectors – Roof Mounted

Roof mounted solar collectors shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Roof mounted solar collectors shall comply with the maximum building height requirements of the zoning district in which the installation of the solar collector is proposed.

2. On pitched roofs, roof mounted solar collectors shall be installed as close to parallel as possible to the pitch of the roof while not sacrificing the efficiency of the solar collector.
3. On flat roofs, roof mounted solar collectors may be installed at an angle to improve the efficiency of the solar collector with regard to the predominant sun angle, provided that the solar collector is placed in a manner to minimize its visibility from street level.
4. There will be a minimum of thirty-six (36) inches of clearance at the ridgeline where Solar Photovoltaic Energy Systems are installed on roofs. Systems are allowed to be installed down to the eave, if there remain three (3) access points from the ground to the ridge. If there are less than three (3) access points to the roof ridge, then there shall remain a thirty-six (36) inch perimeter of walking area around the System.
5. The systems installed shall provide for the ability to disconnect the system and disable the production of electricity to avoid potentially hazardous conflicts between the system and firefighters and their respective firefighting apparatuses. The manufacturer specifications and a detailed sketch showing the location of all disconnects shall be submitted to the Township with a copy to the local fire department responsible for coverage of the site as part of the application. The systems shall be subject to the review of the local fire chief/marshal prior to the issuance of a building permit.

C. Solar Collectors– Ground Mounted

Ground mounted solar collectors shall be permitted as an accessory use to a principal use within any zoning district by right in accordance with the following standards:

1. Ground mounted solar collectors shall comply with the setback requirements of the zoning district in which the installation of the solar collector is proposed.
2. Ground mounted solar collectors shall not be permitted by right in any front yard. The Zoning Hearing Board may authorize, by special exception, the installation of a ground mounted solar collector in a front yard if the Applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar collector can perform effectively.
3. Ground mounted solar collectors shall not exceed a height of ten (10) feet.

4. Glare from ground mounted solar collectors shall be directed away from adjoining properties or street rights-of-way. Fences or vegetative screens may be utilized to prevent glare from impacting adjoining properties or street rights-of-way.

(H14) ACCESSORY METHANE DIGESTER SYSTEM

Accessory methane digester systems are permitted accessory uses to farming operations in the Agricultural District, subject to the following:

- A. Minimum lot area - Ten (10) acres.
- B. All accessory methane digester systems also shall comply with the requirements of 705 (A12) D.
- C. Methane production shall not exceed ten (10) percent of total farm use.

ARTICLE 8

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 801 GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the public roads of Towamensing Township for each use of land within Towamensing Township. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 802 GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES

A. Existing Parking

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structure or uses shall not in the future be reduced below such requirements.

B. Change in Requirements

Whenever there is an alteration of a structure or a change or extension of a use, which increases the parking requirements according to the standards of Section 803, the total additional parking required for the alteration, change or extension should be provided in accordance with the requirements of that section.

C. Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

D. Continuing Character of Obligation

All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor areas, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are

designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.

E. Joint Use

Two (2) or more uses may provide for the required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by Special Exception if it can be demonstrated to the Zoning Hearing Board that the hours of days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

F. Location of Parking Spaces

1. Required off-street parking spaces shall be on the same lot or premises with the principal use served and shall be located out of the street right-of-way.
2. Where this requirement cannot be met, parking spaces may be located on another lot within three-hundred (300) feet of the lot, if the use is not residential, subject to the following:
 - a. A legal document (agreement) between the landowners of the two (2) lots shall be provided to ensure the use and access for the parking lot.
 - b. A walkway (sidewalk) shall be provided between the parking lot and the building entrance of the principal use.

G. Maintenance of Parking Areas

For parking areas of three (3) or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, paved, and drained to the satisfaction of the Board of Supervisors to the extent necessary to prevent dust, erosion, or excessive water flow across street or adjoin property. All off-street parking spaces shall be marked so as to indicate their location. Failure to keep parking areas in satisfactory condition, i.e., free from holes, shall be considered a violation of this Ordinance.

SECTION 803 GENERAL PARKING REQUIREMENTS

A. Overall Requirements

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Section 803 B. and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Section 803 B. shall comply with the requirements for the most similar use listed in Section 803 B., unless the Applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Wherever the off-street parking requirements refer to “employee on the largest shift”, this shall be interpreted to mean the total number of employees on location at any one time.

B. Off-Street Parking Requirements

1. AGRICULTURAL USES

(A1) Crop Farming

One (1) space for each non-resident employee on the largest shift.

(A2) Nursery

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(A3) Greenhouse

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(A4) Animal Husbandry

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(A5) Kennel

One (1) space for each non-resident employee on the largest shift, plus one (1) space per each ten (10) domestic animals.

(A6) Aquaculture

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(A7) Riding Club or Riding Stable

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(A8) Noncommercial Keeping of Horses

None

(A9) Noncommercial Keeping of Livestock (Excluding Horses)

None

(A10) Forestry Activities

One (1) space for each employee on the largest shift.

(A11) Agritourism Enterprise

One (1) space for each two (2) persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(A12) Regional Methane Digester System

One (1) space for each employee on the largest shift, or one (1) space for every five-hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

2. RESIDENTIAL USES

(B1) Single-Family Detached

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B1a) Group Home within a Lawful Dwelling Unit

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B2) Manufactured Home

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B3) Conversion

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B4) Dwelling-In-Combination

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B5) Single-Family Detached Cluster

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B6) Performance Standard Subdivision

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B7) Manufactured Home Park

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B8) Accessory Apartment

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B9) Accessory Farm Dwelling

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

(B10) Boarding House (Rooming House)

One (1) space per rental unit or bed for adult, whichever is greater, plus one (1) space for each non-resident employee on the largest shift.

(B11) ECHO Housing

One (1) all-weather, off-street parking space, with unrestricted ingress and egress to the street, shall be provided for the additional dwelling, in addition to that required for the principal dwelling.

(B12) Seasonal Residence

Based on the number of units as follows:

Efficiency Unit	one (1) space
1 Bedroom Unit	one and one-half (1.5) spaces
2 Bedroom Unit	(2) spaces
3 Bedroom Unit	two and one-half (2.5) spaces
4 Bedroom Unit	three (3) spaces
5 or more Bedroom Unit	three and one-half (3.5) spaces

3. INSTITUTIONAL AND RECREATIONAL USES

(C1) Place of Worship

One (1) space for each four (4) seats provided within the room of largest capacity, plus one (1) space for each employee on the largest shift.

(C2) School

One (1) space per four (4) students aged sixteen (16) or older, plus one (1) space for each employee on the largest shift.

(C3) Commercial School

One (1) space per student not living on campus who attend class at peak times plus required spaces for on-campus housing, plus one (1) space for each employee on the largest shift.

(C4) Library

One (1) space for each four (4) seats provided, or at least one (1) space for each two-hundred fifty (250) square feet of gross floor area accessible to patrons and/or users if seats are not typically provided, whichever is greater, plus one (1) space for each employee on the largest shift.

(C5) Public Recreational Facility

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C6) Private Recreational Facility - Outdoor

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C6a) Private Recreational Facility - Indoor

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C7) Golf Course

One (1) space for each three (3) persons of maximum capacity, plus one (1) space for each employee on the largest shift.

(C8) Private Club/Lodge

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C9) Community Center

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C10) Child Day Care Center (as a Principal Use)

One (1) space per ten (10) children, plus two (2) spaces designed for safe and convenient drop-off and pick-up, plus one (1) space for each employee on the largest shift.

(C11) Nursing Home

One (1) space per six (6) beds, plus one (1) space for each employee on the largest shift.

(C12) Personal Care Home

One (1) space per four (4) beds, plus one (1) space for each employee on the largest shift.

(C13) Cemetery

One and one-half (1.5) spaces per employee on the largest shift, rounded up to the next full parking space. Parking for vehicles involved in a funeral must be designed into the layout of the facility.

(C14) Campground

Two (2) spaces per each camp site, plus one (1) space for each employee on the largest shift. Equivalent parking may be provided by a common parking compound.

(C15) Municipal Use

One (1) space for each four (4) seats provided, or at least one (1) space for each two-hundred fifty (250) square feet of gross floor area accessible to visitors and/or users if seats are not typically provided, whichever is greater, plus one (1) space for each employee on the largest shift.

(C16) Treatment Center

One (1) space per four (4) beds, plus one (1) space for each employee on the largest shift.

(C17) Adult Day Care Center

One (1) space per ten (10) adults, plus one (1) space for each employee on the largest shift.

(C18) Police or Fire Station

One (1) space for each two-hundred (200) square feet of gross floor area, plus one (1) space for each employee on the largest shift.

(C19) Off-Road Vehicle Track

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C20) Shooting Range Outdoor

Two (2) spaces per firing station, plus one (1) space for each employee on the largest shift.

(C20a) Shooting Range Indoor

Two (2) spaces per firing station, plus one (1) space for each employee on the largest shift.

(C21) Amusement/Video Arcade/Pool/Billiard Hall

One (1) space for each four (4) persons of maximum building capacity, plus one (1) space for each employee on the largest shift.

(C22) Continuing Care Retirement Community

One (1) space per six (6) beds, plus one (1) space for each employee on the largest shift.

(C23) Hospital, Urgent, or Immediate Care Clinic

One (1) space per three (3) beds, plus one (1) space for each employee on the largest shift.

(C24) Resort

One (1) space for each two (2) members or persons of total designed capacity, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(C25) Crematory

One (1) space for each employee on the largest shift.

4. OFFICE USES

(D1) Neighborhood Office

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

5. RETAIL AND CONSUMER SERVICES USES

(E1) Retail Store or Sales

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E2) Service Business

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E3) Financial Establishment

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E4) Eating Place (Sit Down Restaurant)

One (1) space for each four (4) seats provided for patron use, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients,

guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(E5) Other Eating Places (Fast Food)

One (1) space for each four (4) seats provided for patron use, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(E6) Repair Shop

One (1) space for each three-hundred (300) square feet of gross floor area used or intended to be used for servicing customers, plus one (1) space for each employee on the largest shift.

(E7) Upholsterer

One (1) space for each three-hundred (300) square feet of gross floor area used or intended to be used for servicing customers, plus one (1) space for each employee on the largest shift.

(E8) Funeral Home

One (1) space for each four (4) seats provided for patron use, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(E9) Hotel

One (1) space for each rental unit, plus one (1) space for each four (4) seats in all meeting rooms, plus any required spaces for any restaurant, plus one (1) space for each employee.

(E10) Bed and Breakfast Establishment

One (1) space for each four (4) seats provided for patron use, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(E11) Entertainment, Indoor

One (1) space for each four (4) seats, one-half (1/2) of which may be met by convenient parking shared with other business uses on the

same lot that are typically not routinely open beyond 9:30 PM, plus one (1) space for each employee on the largest shift.

(E12) Entertainment, Outdoor

One (1) space per three (3) persons of capacity (50% may be on grass overflow areas), plus one (1) space for each employee on the largest shift.

(E13) Tavern

One (1) space for each four (4) seats provided for patron use, or at least one (1) space for each fifty (50) square feet of gross floor area used or intended to be used for servicing customers, patrons, clients, guests or members, whichever is greater, plus one (1) space for each employee on the largest shift.

(E14) Lumber Yard

One (1) space for each three-hundred (300) square feet of gross floor area used or intended to be used for servicing customers, plus one (1) space for each employee on the largest shift.

(E15) Veterinarian Facility (Animal Hospital)

One (1) space for each five (5) veterinarians, plus one (1) space for each employee on the largest shift.

(E16) Service Station with or without Gas Pumps

Five (5) spaces for each bay, plus 1/4 space per fuel nozzle with such spaces separated from access ways to pumps, plus one (1) space for each employee on the largest shift, plus any parking needed for a convenience store.

(E17) Automobile and Truck Sales

One (1) space for each employee on the largest shift, plus one (1) space for each two-hundred (200) square feet of gross floor area used or intended to be used for servicing customers.

(E18) Automobile and Truck Repair

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E19) (Reserved)

(E20) Shopping Center

One (1) space for each employee on the largest shift, plus one (1) space for each three-hundred fifty (350) square feet of gross floor area used or intended to be used for servicing customers.

(E21) Adult Entertainment Establishments

One (1) space for each four (4) seats provided within the room of largest capacity, plus one (1) space for each employee on the largest shift.

(E22) Self-Service Storage Facility

One (1) space per every twenty (20) storage units, plus one (1) space for each employee on the largest shift.

(E23) Farm Implement Sales and Service

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E24) Antiques, Flea and/or Farmers Market

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E25) Convenience Store

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

(E26) Drive-Thru Facilities

None

(E27) Micro Brewery

One (1) space for each employee on the largest shift, plus one (1) space for each one-hundred (100) square feet of gross floor area used or intended to be used for servicing customers.

6. UTILITY, SERVICE AND TRANSPORTATION USES

(F1) Utility Station

Three (3) spaces for each four (4) employees on the largest shift, or one (1) space for every two-hundred fifty (250) square feet of gross

floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(F2) Emergency Services

One (1) space for each employee on the largest shift.

(F3) Terminal

One (1) space per employee on the largest shift, plus twenty-five (25) spaces per 100 daily boardings.

(F4) Incinerators and Landfills

One (1) space for each employee on the largest shift.

(F5) Communication Tower

If the communication tower is fully automated, two (2) off street parking spaces shall be required. If the communication tower is not fully automated, the number of required parking spaces shall equal the number of people in the largest shift but, in any event, may not be less than two (2) off-street spaces.

(F6) Communication Antenna

None

(F7) Solar Farm

One (1) space for each employee on the largest shift.

(F8) Large Wind Energy Production Facility (Wind Farm)

One (1) space for each employee on the largest shift.

(F9) Airport

One (1) space for each plane which can be accommodated at the airport facility, plus one (1) space for each employee on the largest shift.

(F10) Heliport

One (1) space for each helicopter which can be accommodated at the heliport facility, plus one (1) space for each employee on the largest shift.

7. INDUSTRIAL USES

(G1) Manufacturing - 100,000 SF or Less

Three (3) spaces for each four (4) employees on the largest shift, or one (1) space for every two-hundred fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G1a) Manufacturing - More than 100,000 SF

Three (3) spaces for each four (4) employees on the largest shift, or one (1) space for every two-hundred fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G2) Research

Three (3) spaces for each four (4) employees on the largest shift, or one (1) space for every two-hundred fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G3) Wholesale Business, Wholesale Storage, Warehousing - 100,000 SF or Less

One (1) space for each employee on the largest shift, or one (1) space for every five-hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G3a) Wholesale Business, Wholesale Storage, Warehousing – More Than 100,000 SF

One (1) space for each employee on the largest shift, or one (1) space for every five-hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G4) Printing

Three (3) spaces for each four (4) employees on the largest shift, or one (1) space for every two-hundred fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G5) Truck (or Motor Freight) Terminal

One (1) space for each employee on the largest shift, or one (1) space for every five-hundred (500) square feet of gross floor area,

whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G6) Planing Mill

One (1) space for each employee on the largest shift, or one (1) space for every five-hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G7) Mill

One (1) space for each employee on the largest shift, or one (1) space for every five-hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

(G8) Junk Yard

One (1) space for each employee on the largest shift, plus five (5) visitor spaces.

(G9) Extractive Operations

One (1) space for each employee on the largest shift, plus three (3) visitor spaces.

(G10) Oil and Gas Operations

One (1) space for each employee on the largest shift, plus one (1) visitor space.

(G11) Waste Operations

One (1) space for each employee on the largest shift, plus three (3) visitor spaces.

8. ACCESSORY USES

(H1) Home Occupation

One (1) space for each non-resident employee on the largest shift.

(H2) Accessory Office

One (1) space for each non-resident employee on the largest shift.

(H3) Residential Accessory Building

None

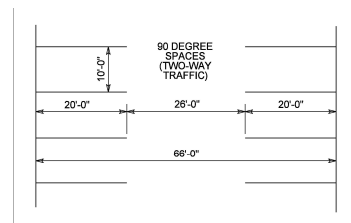
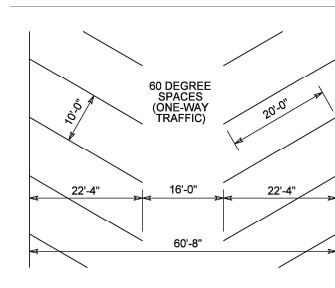
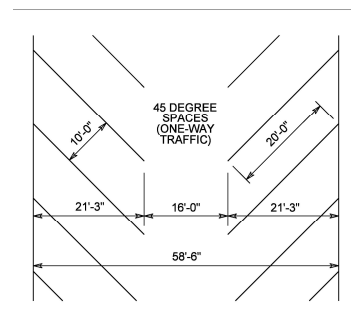
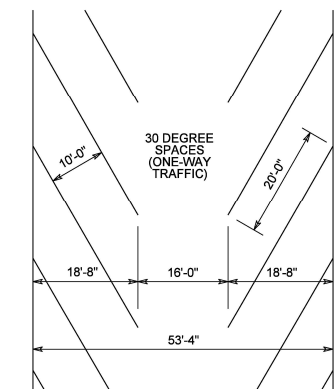
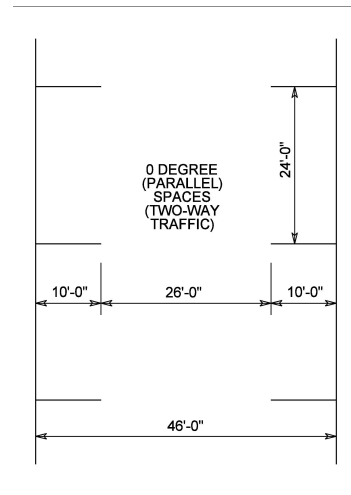
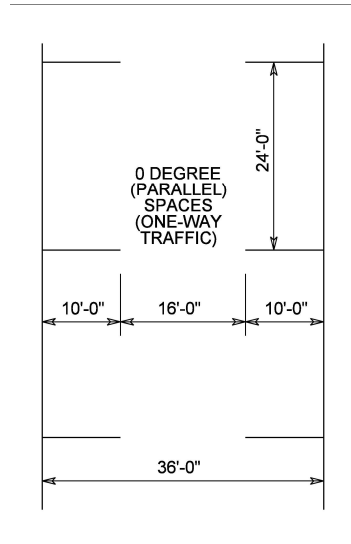
- (H4) Dormitory
One (1) space per four (4) beds, plus one (1) space for each employee on the largest shift.
- (H5) Outside Storage or Display
None
- (H6) Temporary Structure
Based upon usage.
- (H7) Off-Street Parking
N/A
- (H8) Signs
N/A
- (H9) Farm Uses
One (1) space for each non-resident employee on the largest shift.
- (H10) Child Care - Accessory to Residential Use
One (1) space per ten (10) children, plus two (2) spaces designed for safe and convenient drop-off and pick-up, plus one (1) space for each employee on the largest shift.
- (H11) Wind Turbine
None
- (H12) No Impact Home-Based Business
None
- (H13) Accessory Solar Systems
None
- (H14) Accessory Methane Digester System
None

SECTION 804 DESIGN STANDARDS

The design standards specified below shall be required for all off-street parking facilities built after the effective date of this Ordinance.

A. Parking Space Requirements.

1. Parking space widths shall be at least ten (10) feet.
2. Parking space depths shall be at least twenty (20) feet; except for zero (0) degree (parallel) spaces where the depth shall be at least twenty-four (24) feet.
3. Angled parking spaces may be allowed with one-way traffic only according to the following details:



4. In no case shall parking spaces be designed to require or encourage vehicles to back onto a street in order to leave the space.
5. All parking spaces shall be located at least ten (10) feet from any side or rear property line, and street right-of-way line.
6. Handicapped Parking.

The number of accessible spaces shall be provided and designed in accordance with regulations established by the current adopted codes as required by the Pennsylvania Uniform Construction Code Law.

B. Aisles.

All aisles shall provide for two-way traffic to access parking spaces and shall have a width of twenty-six (26) feet. Exception: Where controlled ingress/egress, with clearly defined traffic patterns and sufficient and appropriate signage is proposed, one-way traffic is permitted with an aisle width of sixteen (16) feet. In this situation, angle/parallel parking is permitted (see detail above in Section 804 A.3.)

C. Access Drives.

1. Widths.

All access drives shall have a width of twenty-six (26) feet for two-way use; and a width of sixteen (16) feet for one-way use, unless a different standard is required by PennDOT for an entrance to a State road, or the Applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for larger vehicle movements.

2. No access drive shall be located within ten (10) feet of a property line.
3. For the purpose of serving any property held under single and separate ownership, access drives crossing the street line shall be limited to two (2) along any street frontage of any single street and their centerlines shall be spaced at least eighty (80) feet apart.

D. Lighting.

Lighting of all parking areas is required; except for one- and two-unit residential uses.

E. Fire Lanes and Access Roads.

1. If fire lanes are proposed, their width may not be included within the required access drive.
2. Any fire apparatus access road shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads shall follow the requirements of the International Fire Code, current edition.

SECTION 805 OFF-STREET LOADING

Off-street loading requirements as specified below shall be provided.

- A. All necessary or provided loading areas shall be located on the site plan with all specifications.
- B. Access to and from parking areas shall not be impeded by loading or unloading during business hours.

SECTION 806 DESIGN AND LAYOUT OF OFF-STREET LOADING FACILITIES

- A. Off-street loading facilities shall be designed to conform to the following specifications:
 1. Each required space shall be no less than fourteen (14) feet wide, seventy-five (75) feet long, and seventeen (17) feet high, exclusive of driveways and maneuvering space, and located entirely on the lot being served.
 2. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
 3. All accessory driveways and entranceways shall be graded, surfaced and drained to the satisfaction of the Board of Supervisors, to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways.
 4. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard, or an unreasonable impediment to traffic.
 5. The lighting requirements of Section 804 I. shall be met when applicable.

B. All required loading facilities shall be provided and maintained in accordance with the following requirements:

1. They shall be provided and maintained as long as the use exists for which the facilities were designed to serve.
2. They shall not be reduced in total extent after their provision, except when the reduction is in conformity with the requirements of this Article.
3. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pick-up vehicles they are designed to serve.

ARTICLE 9

SIGN REGULATIONS

SECTION 901 APPLICABILITY

Signs may be erected or altered only in conformance with the standards, procedures, exemptions and other requirements of this Article and any and all other ordinances and regulations relating to signs and similar devices. Sign permits will be required for the erection or alteration of all signs unless otherwise indicated in this Article.

SECTION 902 DEFINITIONS

A-Frame or Sandwich Board Sign - A movable sign consisting of two (2) faces, connected and hinged at the top.



A-Frame/Sandwich Board Sign



Billboard



Changeable Sign (Manual)

Address Sign - A sign, which is limited to the name and/or address of the occupant and having an area of no more than two hundred (200) square inches.

Area of Sign

- A. Computation of Area of Individual Signs. The area of a sign shall be computed by means of the smallest square, triangle, rectangle or circle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting bracing, or decorative fence or wall when such fence or wall otherwise meets regulations of this Ordinance and is clearly incidental to the display itself.
- B. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that

both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Auction, Yard or Garage Sale – A sale in which the property being offered for sale is owned by the person (or the estate of the person) who resides (or resided) at the location of the sale and was used by the same person in his daily life as his home, household goods or furnishings (i.e. the property being offered for sale was not purchased primarily for the purpose of resale, nor is it being sold on any type of consignment basis.) If a sale does not meet the above criteria or if there are more than three (3) such sales (a single sale shall last no longer than seventy-two (72) hours) in any year, the activity shall not qualify as an auction, yard or garage sale, but rather shall be considered a business.

Auction, Yard and Garage Sale Sign – A sign advertising an auction, yard or garage sale having an area of no more than four (4) square feet.

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



Banner Signs

Billboard – An off-premises sign for the purpose of conveying to others a commercial or non-commercial message unrelated to the activity conducted on the lot where the sign is located, or a sign which directs attention to a business, commodity, service, entertainment or attraction, sold, offered, or existing elsewhere than on the same lot where the sign is located. A structure intended to support or contain such a sign shall also be considered a billboard. Not including a directional sign pursuant to Sections 903 B. and 904 B.1. and 3. of this Ordinance.

Business Sign – A sign which directs attention to a business, profession, activity, commodity, service, product, or entertainment conducted, sold, or offered upon the premises where the sign is located. Except as otherwise stated for the business signs described in Section 904 A.1.d. (1), (2) and (3) as business sign shall have an area of no more than thirty-two (32) square feet.

Changeable Sign (Automatic/Electrically Activated) –A sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also “Electronic Reader Board/Message Center”)



Changeable Sign (Automatic)



Development Sign



Directional Sign

Changeable Sign (Manual) – A sign on which copy or side panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial parts, and used to identify special or unique or limited activities, services, products or sales of limited duration. Except for the manual changeable signs described in Section 904 A.1.e. (2) and (4), a manual changeable sign shall have an area of no more than thirty-two (32) square feet.

Construction Sign – A sign identifying individuals or companies involved in the design, construction, wrecking or financing of a building or construction site, and having an area of no more than twelve (12) square feet.

Development Sign - A sign indicating the name of a residential subdivision or residential land development, the management or developer thereof, and/or the address or location of said subdivision or land development. A development sign shall have an area of no more than thirty-two (32) square feet.

Directional Sign – A sign, providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, those signs identifying rest rooms, public telephones, public walkways, parking areas, and other similar facilities and having an area of no more than eight (8) square feet.

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

Electronic Reader Board/Message Center - An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

Event Sign – A sign pertaining to an event of a civic, philanthropic, educational or religious nature or organization which will occur upon the premises where the sign is located, and having an area of no more than twelve (12) square feet.

External Illumination – Illumination of a sign which is affect by an artificial source of light which is not contained within the sign itself or attached to the supporting framework or bracing of the sign, e.g. floodlights.

Flashing Sign – An illuminated sign in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. Automatic changeable signs are not flashing signs.

Free-Standing Sign – A sign erected on a free-standing frame, mast or pole or upon the ground and not attached to any building, If it is not specifically indicated whether a particular sign can be a wall sign or a free-standing sign, the sign shall be a free-standing sign.



Governmental Sign – A sign erected by or on behalf of any governmental entity for control of traffic or other regulatory purposes, including but not limited to, street signs, warning signs, railroad crossing signs, and signs of public utility companies indicating danger.

Height (Freestanding Sign) – The height of a freestanding sign shall be measured from the base ground level of the sign to the uppermost part of the sign, or any supporting framework or bracing, whichever is higher. Except for the following, the maximum height of a free-standing sign shall be twelve (12) feet;

- A. The maximum height of a real estate sign shall be four (4) feet.
- B. The maximum height of signs described in Section 904 A.1.d. (2) and 904 A.1.e.(2) shall be twenty (20) feet.
- C. The maximum height of a billboard (Section 904 B.3.) shall be thirty-four (34) feet.

Height (Wall Sign) – The height of a wall sign shall be measured from the base of the wall the sign is attached to the uppermost part of the sign, or any supporting framework or bracing, whichever is higher. The maximum height of a wall sign shall not exceed the height of the wall it is attached to.

Home Occupation Sign – A sign which identifies a legal home occupation, which may exist at the premises, and may also identify the name and/or address of the occupant, and having an area of no more than four (4) square feet.

Illegal Sign - Any sign erected without first obtaining an approved sign permit, other than non-conforming signs.

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

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

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

Moving Sign – A sign that revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement. Automatic changeable signs, flags, banners and pennants are not “moving signs.”

Neon or Gas Tube Illumination – Illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

Nonconforming Sign – See nonconforming structure

No-Trespassing Sign – A sign indicating no trespassing, no hunting, no fishing, no dumping, no parking, no towing, the private nature of a road or lot, or other similar signs. A no trespassing sign shall have an area of no more than two (2) square feet.

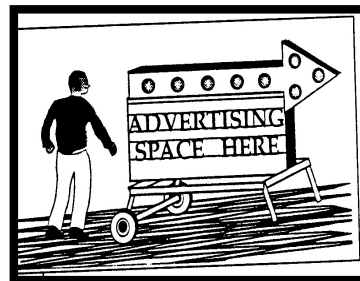
On-Premises Sign – Any sign identifying or advertising a business, person, activity, goods, products, or services located on the same lot as the sign.

Off-Premises Sign - Any sign which directs attention to a business, person, activity, goods, products, or services sold, offered or existing elsewhere than on the lot where the sign is located.

Parked Vehicle Sign - A sign placed on or affixed to a vehicle or trailer parked so as to be visible from a street where the apparent purpose is to advertise a business, person, activity, goods, products or services.



Parked Vehicle Sign



Portable Sign

Pennant – Same as a banner.

Permanent Sign – Any sign which is not a temporary sign.

Portable and Wheeled Signs – A sign not permanently attached to the ground or a building, which may be moved from place to place, and having an area of no more than sixteen (16) square feet.

Projecting Sign – A sign which is affixed to a building or a wall and extends beyond the line of such building or wall or beyond the surface of that portion of the building or wall to which it is affixed by more than twelve (12) inches, which sign shall have an area of no more than twenty (20) square feet, and the lowest portion of the sign must be at least eight (8) feet above the base of the wall to which the sign is attached.

Public Service Sign – A sign providing no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including but not limited to, signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities. A public service sign shall have an area of no more than two (2) square feet.

Real Estate Sign – A sign which is used to offer for sale, lease or rent that premises upon which the sign is located and having an area of no more than six (6) square feet.

Roof Sign – Any sign mounted on the main roof portion of a building or on the topmost edge of a parapet wall of a building and which such building wholly or partially supports.

Sign – Any identification, description, illustration, advertisement, or device, illuminated or non-illuminated, which is visible to the general public and is designed to advertise, identify or convey information regarding a person, products, service, place, activity, institution or business; or any emblem, painting, flag, banner, pennant, or placard designed to advertise, identify or convey such information.

Temporary Sign – A non-permanent sign erected, affixed or maintained on a lot for a short, usually fixed, period of time.

Wall Sign – A sign attached to or erected against a wall of a building, with the face parallel to the building wall and extending not more than one (1) foot from the wall.

Wild-Card Sign – A temporary sign identifying a special, unique, or limited activity, service, product, or sale of limited duration and having an area of no more than sixteen (16) square feet (this maximum square footage shall not apply to banners and pennants).

SECTION 903 SIGNS PERMITTED IN RESIDENTIAL (R), RURAL
CONSERVATION (RC), AND CONSERVATION RECREATION (CR)
DISTRICTS

A. On-Premises Signs

1. Permanent Signs

- a. Each dwelling unit may have one (1) non-illuminated or internally illuminated address sign.
- b. Each home occupation may have one (1) non-illuminated or internally illuminated home occupation sign.
- c. Each residential subdivision or residential land development may have one (1) non-illuminated or internally illuminated development sign. Except that, where said residential subdivision or residential land development abuts two (2) or more streets, additional development signs, one (1) oriented toward each abutting street shall be permitted.
- d. A single permitted or legal non-conforming principal non-residential or business use upon a lot may have:

- (1) One (1) non-illuminated or internally illuminated manual changeable wall or projecting sign or business wall or projecting sign, except that, where the use abuts two (2) or more streets, additional wall signs, one (1) oriented toward each abutting street shall be permitted, and
- (2) One (1) non-illuminated or internally illuminated free standing manual changeable sign or free standing business sign.

2. Temporary Signs

- a. One (1) non-illuminated real estate sign per lot, except that where a lot abuts two (2) or more streets, additional signs, one (1) oriented toward each abutting street shall be permitted. Said signs shall be removed within seven (7) days of the sale or lease of the lot upon which the sign is located.
- b. One (1) non-illuminated event sign per lot, except that where the lot upon which the event is to occur abuts two (2) or more streets, additional signs, one (1) oriented toward each abutting street shall be permitted. Said signs shall be erected no more than thirty (30) days before the event and shall be removed within seven (7) days after the event.
- c. One (1) non-illuminated construction sign per lot. Said sign shall not be posted before ground is broken or wrecking has begun and shall be removed prior to the issuance of an occupancy permit, or, if no occupancy permit is required, shall be removed upon completion of construction or wrecking.
- d. A single permitted or legal nonconforming principal nonresidential or business use upon one (1) lot may have one (1) non-illuminated wild-card sign.

B. Off-Premises Signs

1. Non-illuminated directional sign pertaining to an event of a civic, philanthropic, educational or religious organization or nature. There shall not be more than six (6) such signs erected in the Township for any one (1) event.
2. Non-illuminated directional sign pertaining to a residential subdivision or residential land development. There shall not be more than six (6) such signs erected in the Township for any one (1) residential subdivision or residential land development.

SECTION 904 SIGNS PERMITTED IN LIGHT COMMERCIAL (LC), HEAVY COMMERCIAL (HC), AND LIMITED INDUSTRIAL (LI)

A. On-Premises Signs

1. Permanent Signs

- a. Each dwelling unit may have one (1) non-illuminated or internally illuminated address sign.
- b. Each home occupation may have one (1) non-illuminated or internally illuminated home occupation sign.
- c. Each residential subdivision or residential land development may have one (1) non-illuminated or internally illuminated development sign. Except that, where said residential subdivision or residential land development abuts two (2) or more streets, additional development signs, one (1) oriented toward each abutting street shall be permitted.
- d. A single permitted commercial or industrial use upon a lot may have:
 - (1) One (1) non-illuminated or internally illuminated business wall or projecting sign, except that where the use abuts two (2) or more streets, additional wall signs, one (1) oriented toward each abutting street shall be permitted, and
 - (2) One (1) non-illuminated or internally illuminated free-standing business sign, and
 - (3) One (1) non-illuminated or internally illuminated free-standing automatic or manual changeable sign.
- e. Where one (1) lot is improved with two (2) or more buildings used for a commercial or industrial purpose, or land or space on a lot is divided or allocated between two (2) or more commercial or industrial tenants, it is permitted to have:
 - (1) One (1) non-illuminated or internally illuminated business wall or projecting sign for each principal tenant, except that where a tenant abuts two (2) or more streets, additional wall signs, one (1) oriented toward each abutting street shall be permitted. The area of any one (1) such sign shall not exceed ten (10) percent of the tenant's proportionate share of the building wall to which the sign is affixed, or twenty (20) square feet, whichever is smaller, and

- (2) One (1) non-illuminated or internally illuminated free-standing business sign or free-standing automatic or manual changeable sign. The area of the free-standing sign shall not exceed one (1) square foot for each two (2) feet of front footage of the lot, or forty-eight (48) square feet, whichever is smaller, and
- (3) One (1) non-illuminated or internally illuminated business sign for each principal tenant affixed directly to the free-standing sign referred to in e (2). The area of such sign shall not exceed sixteen (16) square feet, and
- (4) One (1) non-illuminated manual changeable sign. The area of such sign shall not exceed forty-eight (48) square feet.

2. Temporary Signs

- a. One (1) non-illuminated real estate sign per lot, except that where a lot abuts two (2) or more streets, additional signs, one (1) oriented toward each abutting street shall be permitted. Said signs shall be removed within seven (7) days of the sale or lease of the lot upon which the sign is located.
- b. One (1) non-illuminated event sign per lot, except that where the lot upon which the event is to occur abuts two (2) or more streets, additional signs, one (1) oriented toward each abutting street shall be permitted. Said signs shall be erected no more than thirty (30) days before the event and shall be removed within seven (7) days after the event.
- c. One (1) non-illuminated construction sign per lot. Said sign shall not be posted before ground is broken or demolition has begun and shall be removed prior to the issuance of an occupancy permit, or, if no occupancy permit is required, shall be removed upon completion of construction or demolition.
- d. Each permitted commercial or industrial use may have one non-illuminated wild card sign.

3. Automatic/Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers.

- a. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be placed in such a position, or have

such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.

- b. Except as noted below, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.
- c. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must be approved as a Special Exception by the Zoning Hearing Board. As part of its approval, the Zoning Hearing Board may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.
- d. Change Interval - Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a minimum change interval of at least fifteen (15) seconds. A “change interval” is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another advertisement.
- e. Transition Interval - Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a maximum transition interval of one (1) second. The “transition interval” is defined as the time period in which the display of an electronic sign transitions to another display.
- f. On-premises Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, unless a Special Exception to allow longer hours is granted by the Zoning Hearing Board.
- g. The changeable portion of an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not exceed an area of thirty-two (32) square feet, unless a Special Exception to allow a larger area is granted by the Zoning Hearing Board.
- h. The display may only be used to advertise goods and services sold on-premises, time and temperature, and public service announcements.

- i. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be permitted on any residential land use.
- j. Any premises with an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not be permitted to have any other freestanding sign on the property.
- k. Streaming video is prohibited.

B. Off-Premises Signs

- 1. Non-illuminated directional sign pertaining to an event as described in Section 903 B.1. and under the same terms set forth therein. There shall not be more than six (6) such signs erected in the Township for any one (1) event.
- 2. Non-illuminated directional sign pertaining to a residential subdivision or residential land development as described in Section 903 B.2. and under the same terms set forth therein. There shall not be more than six (6) such signs erected in the Township for any one (1) residential subdivision or residential land development.
- 3. Non-illuminated or externally illuminated billboards are permitted by Special Exception in the LC and HC Districts (but are not permitted in the LI District), subject to the following conditions:
 - a. The area of the billboard shall not exceed three hundred (300) square feet.
 - b. No billboard shall be located closer than one thousand five hundred (1,500) feet to any other billboard (whether or not the other billboard is on the same side of the street).
 - c. If the area of a billboard exceeds eighty (80) square feet it shall not be located closer than one thousand five hundred (1,500) feet to any other building or sign on the same lot.
 - d. No billboard shall be closer than five hundred (500) feet to any street intersection.
 - e. The permit application shall be accompanied by certification under seal by a Professional Engineer that the existence of the billboard will not present a safety hazard.

- f. The permit application shall be accompanied by a site plan showing compliance with all the requirements of this Ordinance prepared by a PA licensed professional engineer.
- g. If the area of the billboard is eighty (80) square feet or less, it shall have a front yard setback of at least eighty (80) feet. If the area of the billboard exceeds eighty (80) square feet, it shall have a front yard setback of at least one hundred (100) feet. For the purposes of this section, the front yard setback shall be measured from the centerline of the cartway to the nearest edge of the billboard.

SECTION 905 PROHIBITED SIGNS

- A. The following signs are prohibited, except as wild-card signs pursuant to Sections 903 A.2.d. and 904 A.2.d:
 - 1. “A” frame or sandwich board signs.
 - 2. Banners and pennants.
 - 3. Portable and wheeled signs.
- B. The following signs are prohibited:
 - 1. Moving and flashing signs.
 - 2. Neon or other gas tube illuminated signs, except when such signs are located entirely within the interior of a building.
 - 3. Parked vehicle signs.
 - 4. Roof signs.
 - 5. Signs that are placed on or attached to trees, rocks or other natural features.
 - 6. Signs that emit audible sound, odor or matter.
 - 7. Signs that imitate, resemble, interfere with, obstruct the view of, or can be confused with governmental signs.

SECTION 906 EXEMPT SIGNS

The following signs shall be exempt from the regulations contained in this Article, except those regulations contained in Section 907:

- A. Auction, Yard and Garage Sale Signs – non-illuminated signs advertising an auction, yard or garage sale may be erected subject to the following regulations:
 - 1. Such signs shall be erected no sooner than seven (7) days before the sale. No sign shall remain posted for a period in excess of ten (10) days;
 - 2. No more than four (4) such signs, whether on or off premises, shall be erected in the Township for each location of a sale;
 - 3. If the location of the sale is in a residential district, off-premise signs may not be erected for more than three (3) sales at said location in any one (1) calendar year.
- B. Civic and Religious Signs – non-illuminated or internally illuminated civic and religious organization signs indicating only the organization insignia, name, meeting place and time and located on the premises where the civic or religious activity is to be held and having an area of no more than four (4) square feet.
- C. Display Window Signs – non-illuminated signs in the display window of a business use which are incorporated with a display relating to services offered.
- D. Flag – a flag, emblem, or insignia of any nation or political subdivision.
- E. Holiday Decorations – signs or other materials temporarily displayed on traditionally accepted civic, patriotic, or religious holidays related to the observance of said civic, patriotic, or religious holiday.
- F. Incidental Sign – a non-illuminated secondary sign not directly describing goods, products, services or facilities which are available on the premises where the sign is located and having an area no more than two hundred (200) square inches, e.g., credit cards accepted, official notices required by law, trade affiliations.
- G. Interior Signs – signs which are fully located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs located within the inner or outer lobby, court or entrance of any theater.
- H. Memorial Signs – non-illuminated memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or any other incombustible material, and having an area of no more than four (4) square feet.

- I. No Trespassing Signs – non-illuminated.
- J. Notice Bulletin Board – non-illuminated or internally illuminated notice bulletin board not over eight (8) square feet in area for medical, public, charitable or religious institutions where the same are located on the same premises as such institutions.
- K. Political and Campaign Signs – non-illuminated political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs shall have an area of no more than six (6) square feet and are erected not earlier than thirty (30) days prior to said election and are removed within seven (7) days following said election.
- L. Public Notices – non-illuminated official notices posted by public officers or employees in the performance of their duties.
- M. Public Service Signs
- N. School Bus-Stop Signs – a non-illuminated sign placed on or affixed to a school bus-stop and having an area of no more than eight (8) square feet for each exposed face, and not exceeding an aggregate area for all exposed faces, of sixteen (16) square feet; provided however, that said school bus-stop is not in violation of this Ordinance.
- O. Vending Machine Signs – non-illuminated or internally illuminated signs on vending machines, gasoline pumps, ice or milk containers, or other similar machines indicating only the contents of such devices, the pricing of the contents contained within and directional or instructional information as to use, and having an area of no more than four (4) square feet.
- P. Warning Signs – signs warning the public of the existence of danger, but containing no advertising material; to be removed within three (3) days after the subsidence of the danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of the danger.
- Q. Recreational Facility Signs – signs attached to, or being part of, a fence at a recreational facility. Such signs shall have only a single face containing a message, which face shall be directed to the interior of the premises so that, to the extent reasonably possible, the message contained on such signs shall not be visible on premises other than the premises on which the sign is located; and such signs shall be limited to a height of six (6) feet. Although the number of such signs is not limited, any one (1) such sign shall not have an area of more than thirty-two (32) square feet. An example of this type of sign would be signs attached to the fence surrounding a ball field at a recreational facility.
- R. Governmental Signs – shall be exempt from the regulations of this Ordinance.

SECTION 907 GENERAL REGULATIONS

Except for governmental signs, the following apply to all signs in the Township:

A. Illumination

1. In addition to complying with the provisions of this Ordinance, all signs for which electrical wiring and connections are used shall comply with the National Electrical Code current adopted edition.
2. All lighting used to illuminate a sign must be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon any area other than the lot upon which the illuminated sign is located.
3. All lighting used to illuminate a sign must be designed, located, shielded and directed so as not to constitute a nuisance to adjoin lots or a traffic hazard on any street.
4. The use of unshielded lighting, including incandescent light bulbs, hung or strung on poles, wires or any other type of support, to illuminate buildings, signs, structure, outdoor sales areas, or outdoor storage areas is prohibited, except:
 - a. During the month of December for areas in which Christmas trees are sold.
 - b. On a temporary basis for areas in which carnivals, fairs, or other similar activities are held.
5. In residential districts no sign may be illuminated after the closing time of the business, which the sign relates to.

B. Location

1. All signs, and their support systems, shall be located at least five (5) feet outside of the street right-of-way line, or five (5) feet from any maintained structure (a maintained structure includes the cartway, maintained shoulder and any parallel drainage structure), whichever is furthest from the center of the street.
2. No sign or its support system shall be placed on or attached to a utility pole or any other utility facility.
3. No sign, or its support system, shall be located so as to obscure or hinder a clear view, whether at an intersection or street access or exit, or otherwise; to obscure or hinder a clear view within a clear sight triangle; or, to otherwise create a traffic or a safety hazard.
4. No commercial sign shall be erected so as to project beyond a property line, over a public sidewalk or over or within a public right-of-way.

5. All signs, and their support systems, must comply with the rear and side yard requirements of this Ordinance.

C. Construction and Maintenance

1. In addition to complying with the provisions of this Ordinance, all signs shall be constructed in accordance with the applicable provisions of the Uniform Construction Code, as amended.
2. All signs shall be maintained in good condition and repair, and shall be kept neatly painted, including all parts and supports.
3. Except for signs permitted pursuant to Section 904 A.1.e.(3), no more than one (1) sign may be attached to a single frame, mast, pole, or support system.

D. Removal of Signs

Except as otherwise specified for a temporary sign, signs which advertise goods, products, services, or facilities which are no longer available to the public or which direct persons to a former location where such goods, services, or facilities are no longer available shall be removed within thirty (30) days after such goods, products, services, or facilities are no longer available.

E. State or Federal Regulations

The sign regulations contained in this Article are intended as the minimum standard. Any sign subject to more restrictive state or federal regulations, statute or restrictions must comply with such.

SECTION 908. PERMITS

- A. Except for the following, no persons shall erect, alter, or relocate within the township any sign without first obtaining a zoning permit:

1. Exempt signs under Section 906.
2. Address signs.
3. Real estate signs.
4. Routine maintenance or changing of the parts or copy of a sign, provided said maintenance or change does not alter the surface area, height, or otherwise render the sign nonconforming.

- B. Wild-Card Sign Permits - Wild-card sign permits shall be of two (2) types. It is expressly stated that wild-card sign permits shall be issued under one of these two (2) methods and the methods may not be used jointly or in combination during any one (1) calendar year:

1. The first type shall permit a wild-card sign to be erected and maintained for a period of thirty (30) days and shall require the sign to be removed within three (3) days of the termination of the activity, service, project, or sale. There shall be no more than two (2) permits for this type of wild-card sign issued for the same premises within one(1) calendar year.
2. The second type of wild-card sign may be applied for a maximum of five (5) times during one (1) calendar year for the same premises. Each permit for thus type of wild-card sign shall be issued for a maximum of seven (7) days.

SECTION 909 NONCONFORMING SIGNS

- A. Legal Nonconforming Signs - Any sign lawfully existing or under construction on the effective date of this Ordinance , which does not conform to one or more of the provisions of this Ordinance, may be continued in operation and maintained indefinitely as a legal nonconforming sign subject to compliance with the requirements of the following two (2) sections:
1. Maintenance and Repair of Legal Nonconforming Signs - Normal maintenance of legal nonconforming signs, including changing of copy, necessary repairs, and incidental alteration which do not extend or intensify the nonconforming features of the sign, shall be permitted. However, no alteration, enlargement. Or extension shall be made to a legal nonconforming sign unless the alteration, enlargement or extension will result in the elimination of the nonconforming features of the sign. If a legal nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replacement value at the time, or fifty (50) percent or more of its area, the sign may not be rebuilt except in accordance with the provisions of this Article.
 2. Discontinuance of Use which Legal Nonconforming Sign Relates To - A legal nonconforming sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a former location where such goods, products, services, or facilities are no longer available shall lose its legal nonconforming status thirty (30) days after such goods, products, services or facilities become unavailable and shall thereafter be brought into compliance with the provisions of this Article.

ARTICLE 10

NONCONFORMITIES – LOTS, USES AND STRUCTURES

SECTION 1001 PURPOSE, APPLICABILITY, REGISTRATION, CONTINUATIONS AND CHANGE

A. Purpose

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

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

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

B. Applicability

The provisions and protections of this Article 10 shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this Ordinance, as amended, or which are recognized by Section 1003 or Section 1004 of this Article 10. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this Ordinance, and the said lot, structure or use shall not be entitled to any of the protections afforded to legal, pre-existing nonconforming lots, structures or uses.

C. Registration

It shall be the responsibility of the party asserting nonconformity to provide the evidence, including photographs, that the nonconformity is legal. A property owner may request a written Certificate of Nonconformity from the Zoning Officer after providing sufficient evidence.

D. Continuations and Change

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

SECTION 1002 DEFINITIONS

- A. Nonconforming Lot - A lot the area or dimension of which was lawful prior to the effective date of this Ordinance, as amended, but which fails to conform to the requirements of the zoning district in which it is located by reasons of the adoption or amendment of this Ordinance.
- B. Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of the use provisions of this ordinance, as amended, where such structure lawfully existed prior to the enactment of this Ordinance, or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.
- C. Nonconforming Structure, Alteration - As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- D. Nonconforming Structure, Reconstruction - The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition, which existed prior to the casualty.
- E. Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.
- F. Nonconforming Use, Change - The conversion of a nonconforming use to a different use classification as enumerated in the Schedule of Uses.

- G. Nonconforming Use, Enlargement - The extension of a nonconforming use throughout the structure, which the said use partially occupies; or the expansion of a nonconforming use onto land area not already occupied by the said use.
- H. Nonconforming Use, Reestablishment - The reopening or reinstitution of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this Ordinance.

SECTION 1003 NONCONFORMITIES UNDER DEVELOPMENT

For the purposes of this Article 10, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing Ordinances prior to the effective date of this Ordinance, or any amendment hereto, and completed within a one-year period after the effective date of this Ordinance or amendment hereto, shall be considered nonconforming.

SECTION 1004 NONCONFORMITIES BY VARIANCE

A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance, as amended, reenacted and replaced, shall be considered nonconforming for the purposes of this Ordinance.

SECTION 1005 NORMAL MAINTENANCE AND REPAIR ACTIVITIES

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

SECTION 1006 CHANGES

- A. Change to Conforming Use - A nonconforming use may be changed to a conforming use. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use and the new use shall not thereafter revert to a nonconforming use.
- B. Change to Another Nonconforming Use - As determined by a Special Exception by the Zoning Hearing Board and subject to the issuance of a change of use

permit, a nonconforming use may be changed to another nonconforming use which is substantially of the same character, in more or equal conformity with the District, and not subject to more restrictive standards than the existing nonconforming use. Any such change shall be considered an abandonment of the prior nonconforming use and the new use shall not thereafter revert to the prior use.

SECTION 1007 ENLARGEMENT

A. Permit

All enlargements of nonconforming uses into more area of a structure or onto more area of the property shall require the applicable Zoning Permit.

B. Enlargement Limited to Same Parcel; New Structures Prohibited

Enlargements of a nonconforming use shall be limited to the same parcel of property on which the nonconforming use is situated as said parcel existed on the effective date of this Ordinance, as amended. For any nonconforming uses not involving a structure, no new structures shall be permitted as part of an enlargement.

C. Enlargement Limitation

An enlargement of land or structure used for the nonconforming use shall be limited to a total increase not to exceed thirty-five (35) percent of land or thirty-five (35) percent of structure beyond what existed on the effective date of this Ordinance, as amended. All such enlargements of a nonconforming use may be permitted in successive increments for a total up to the increase permitted; and each increment shall be a separate application for successive increments and shall only be entertained by the Township upon the completion of the previously approved enlargement.

D. Compliance with Standards

In addition to complying with the requirements of this Section 1007, an enlargement of a nonconforming use shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance.

SECTION 1008 RECONSTRUCTION

- A. Reconstruction Permitted - Any lawful nonconforming building, structure or use which has been damaged or destroyed by fire, explosion, windstorm or other natural or accidental cause may be reconstructed in the same location, provided that:

1. The application for a Zoning Permit is submitted within one (1) year of the date of the casualty.
 2. The nonconformity is not increased and no new nonconformity is created except for an enlargement of a nonconforming use in compliance with Section 1007.
 3. It was not voluntarily demolished. (See Section 1008 E.)
- B. Procedure For Permits - All applicable permits for the reconstruction of a nonconforming structure or use shall be required.
- C. Time Extension - The Zoning Officer may for good cause grant a one-time extension of not more than one (1) year for the reconstruction of the nonconforming use. Said extension shall only be considered upon written application for same submitted by the property owner.
- D. Nonconforming Agricultural Buildings - Reconstruction regulations shall not apply to active nonconforming agricultural buildings and active farms which may be restored by right.
- E. Demolition - If a nonconforming structure or use is voluntarily demolished to an extent which exceeds fifty (50) percent of the cost to replace the entire structure or use in accord with the most current construction standards, the reconstruction shall comply with current setback, lot coverage, height and other requirements of this Ordinance.

SECTION 1009 ABANDONMENT AND REESTABLISHMENT OF
NONCONFORMITIES

A. Abandonment

If a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of one (1) year or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this Ordinance. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use, which shall not thereafter revert to a nonconforming use.

B. Agricultural Uses

Abandonment regulations shall not apply to agricultural uses.

SECTION 1010 ALTERATIONS OF NONCONFORMING STRUCTURES

The alteration or expansion of nonconforming structures shall be permitted only in accord with this Section 1010 and other applicable standards in this Ordinance.

A. Permit

An alteration of a nonconforming structure shall require the applicable Zoning Permit.

B. Compliance with Standards

An alteration of a nonconforming structure shall comply with all setback, height, lot coverage, parking and other standards of this Ordinance and shall not result in any increased nonconformity except for an enlargement of a nonconforming use in compliance with Section 1007.

C. Nonconforming Setbacks

A structure, which is nonconforming as to a setback requirement, shall not be permitted to be extended along the nonconforming setback line unless the Zoning Hearing Board grants a variance.

D. Increase in Area or Bulk Nonconformity

In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

SECTION 1011 RESERVED

SECTION 1012 USE OF NONCONFORMING LOTS OF RECORD

A. Principal Permitted Uses Allowed

In all districts, a lawful nonconforming lot of record may be used for any use classified as a principal permitted use in the district of location provided:

1. Standards - All applicable standards in this Ordinance are satisfied unless the Zoning Hearing Board grants a variance; and
2. Lot Size Requirement - This Ordinance does not require a lot size for the specific use, which is greater than the basic lot size for the District.

B. Combination Required

If a use is proposed on adjoining nonconforming lots in single ownership, the lots shall be combined into a single parcel in accord with the requirements of the Township Subdivision and Land Development Ordinance.

ARTICLE 11

ADMINISTRATION AND ENFORCEMENT ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

SECTION 1101 ADMINISTRATION AND ENFORCEMENT

A Zoning Officer designated by the Board of Supervisors shall administer and enforce this Ordinance. He or she may be provided with the assistance of such other persons as the Board of Supervisors may direct. The Zoning Officer shall not hold any elective office in the municipality. The Zoning Officer shall meet qualifications established by the municipality and shall be able to demonstrate to the satisfaction of the municipality a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to the Zoning Ordinance. Zoning officers may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment.

If this Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alteration, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 1102 ZONING PERMITS REQUIRED

A landowner, tenant and/or contractor shall obtain a Zoning Permit from the Zoning Officer for activities falling within any of the following categories:

- A. The erection, construction, demolition, alteration, extension, replacement, relocation, or conversion of any building or structure or any activity to prepare the site for the erection, construction, demolition, alteration, extension, replacement, relocation or conversion of any building or structure.
- B. The change in the use of a building, structure, sign and/or land, including activities to prepare the site for a change in use.

No Zoning Permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure, or otherwise violate the provisions of this Ordinance or any other applicable Township or County ordinance or applicable statute

or regulation. This provision shall not alter the requirement for Zoning Permits in the Floodplain District.

SECTION 1103 APPLICATION FOR A ZONING PERMIT

- A. The applicant for a Zoning Permit shall submit an application on forms provided by the Township. The application may be made by the owner or lessee of the property or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the application shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work.
- B. The application for a Zoning Permit shall include (a) a description of the proposed work and/or use and occupancy of the building, structure and/or land as well as any other information required by the application form or the Zoning Officer to determine compliance with this Ordinance and other applicable Township, County, state and federal ordinances, statutes and regulations; (b) plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, and other pertinent information; and (c) the application fee. The application shall not be considered complete without the fee established by the Board of Supervisors by ordinance or resolution. The applicant shall also submit all necessary information to demonstrate:
 - 1. Approval and recording of any necessary subdivision and/or land development plan, if applicable.
 - 2. Submission to and approval by the Carbon County Conservation District of a sedimentation and erosion control plan where earth disturbance activities are proposed.
 - 3. Issuance of a permit to install or modify an on-lot sewage disposal system or issuance of a permit by the provider of public sewer service, as applicable.
 - 4. Issuance of a permit to connect to public water supply, if applicable.
 - 5. Issuance of any permits required for the relocation or alteration of any existing public utility line or other facility.
- C. Approval or Disapproval of Application - Upon receipt of the application, the Zoning Officer shall examine the application and supporting information to determine compliance with this Ordinance and other applicable Township and County ordinances, statutes and regulations. The Zoning Officer shall determine if subdivision and/or land development approval has been obtained, if state

sanitation inspection requirements have been met, and the required permits have been issued and/or received. If the application is approved, the Zoning Officer shall forward the approved application to the Township Code Official. The Zoning Officer shall disapprove a permit application which does not comply with all applicable statutes, regulations, and County and Township ordinances. If disapproved, the Zoning Officer shall attach a statement to the application explaining the reason for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board, and return it to the applicant.

- D. Issuance and Posting of Permits - Upon approval of the application by the Zoning Officer, the Zoning Officer shall issue a Zoning Permit place card which shall be visibly posted on the site of operations during the entire time of construction. The Zoning Permit shall expire one (1) year from the date of issuance, provided that it may be extended at the discretion of the Zoning Officer for an additional period not to exceed an additional one (1) year.
- E. Rights of Permit Holders - The Zoning Permit shall authorize the applicant to proceed with work described on the approved application. A Zoning Permit shall not be deemed to supersede or annul any restrictions on the use or development of the property imposed by deed restrictions, restrictive covenants, or other private agreements. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the Zoning Permit as authorized by the Municipalities Planning Code or to take action to enforce deed restrictions, restrictive covenants, or private agreements as authorized by law.
- F. Revocation of Zoning Permit - The Zoning Officer shall revoke a Zoning Permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit or approval was issued in error, or if the work is not undertaken in accordance with terms of the permit or approval, or for any other proper cause.

SECTION 1104 CERTIFICATES OF ZONING COMPLIANCE FOR NEW, ALTERED, OR NONCONFORMING USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, if erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance has been issued by the Zoning Officer stating that the proposed use of the building or land conforms to this Ordinance.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance shall have been issued by the Zoning Officer. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming

use differs from the provisions of this Ordinance. Upon enactment or amendment of this Ordinance, owners or occupants of nonconforming uses or structures shall apply for Certificates of Zoning Compliance. Such Certificate shall be authorized by the Zoning Officer and shall certify to the owner his right to continue such nonconforming use or structure. Nothing in this section is intended to prevent the Zoning Officer from issuing Certificates of Zoning Compliance for nonconforming uses based on common knowledge or other history or proof of such nonconformity.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

The Zoning Officer may, and if requested by the permit holder, shall make at least one (1) inspection during the progress of the work and before issuance of the Certificate of Use and Occupancy to assure that all provisions of this Ordinance and all other ordinances of Towamensing Township have been complied with.

The Zoning Officer shall maintain a record of all Certificates of Zoning Compliance and a copy shall be furnished upon request of any person. Failure to obtain a Certificate of Zoning Compliance shall be in violation of this Ordinance and punishable under Article 13 of this Ordinance.

SECTION 1105 TEMPORARY USE PERMITS

It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition for approval, they will:

- A. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zoning district, or
- B. Contribute materially to the welfare of the Township, particularly in a state of emergency, under conditions peculiar to the time and place involved.

Then the Board of Supervisors may, subject to all regulations for the issuance of a Conditional Use elsewhere specified, direct the Zoning Officer to issue a permit for a period of time, as designated by the Board of Supervisors. In no case shall the temporary use be permitted to continue beyond the minimum time necessary to alleviate the applicant's hardship.

SECTION 1106 CONSTRUCTION AND USE TO BE PROVIDED IN
APPLICATION, PLANS, PERMITS, AND CERTIFICATES OF
ZONING COMPLIANCE

Zoning Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Article 13 hereof.

ARTICLE 12

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEDURES

SECTION 1201 ZONING HEARING BOARD CREATION AND APPOINTMENTS

- A. Terms of Office - Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors does hereby create a Zoning Hearing Board. The membership of the Board shall consist of three (3) residents of the municipality appointed by the Board of Supervisors. The terms of office of the three member board shall be three (3) years and shall be so fixed that the term of office of one (1) of the members shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Vacancies shall be filled by resolution of the Board of Supervisors and shall be only for the unexpired term of the member affected. Members of the Zoning Hearing Board shall hold no other office in the municipality.
- B. Alternate Members - The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. When seated in accordance with Section 1202 pursuant to the provisions of this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and otherwise provided by law. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 1203 unless designated as a voting alternate member of the Zoning Hearing Board pursuant to Section 1202 of this Ordinance.
- C. Removal of Members - Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 1202 ORGANIZATION OF THE ZONING HEARING BOARD

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action of the Board as provided in Section 1204 of this Ordinance.

- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

SECTION 1203 EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1202, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

SECTION 1204 HEARINGS OF THE ZONING HEARING BOARD

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the provisions of the Municipalities Planning Code.

A. Referral to Township Planning Commission

Applications before the Zoning Hearing Board shall be referred to the Township Planning Commission at least thirty (30) days prior to the hearing on such Application to provide the Planning Commission an opportunity to submit recommendations.

B. Planning Commission Review

Within thirty (30) days of the Township Planning Commission's receipt of an Application, the Township Planning Commission may review said application together with all supporting information and forward its written comments to the Zoning Hearing Board. The Planning Commission shall provide written justification on all comments.

SECTION 1205 JURISDICTION

A. Zoning Hearing Board's Jurisdiction - The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

B. Board of Supervisors' Jurisdiction - The Board of Supervisors shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

SECTION 1206 ZONING HEARING BOARD'S FUNCTIONS – VARIANCES

The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Zoning Hearing Board may grant a Variance, provided that all of the following findings are made where relevant in a given case:

A. That 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 the Zoning Ordinance in the neighborhood or district in which the property is located;

- B. That 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 that the authorization of a Variance is therefore necessary to enable the reasonable use of the property;
- C. That such unnecessary hardship has not been created by the appellant;
- D. That 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
- E. That 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.

In granting any Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Municipalities Planning Code.

SECTION 1207 ZONING HEARING BOARD'S FUNCTIONS - SPECIAL EXCEPTIONS

The Zoning Hearing Board shall hear and decide requests for Special Exceptions in accordance with the standards and criteria set forth in this Ordinance. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and of the Pa. Municipalities Planning Code.

- A. Special Exception Application - A Special Exception application must include all the plan requirements listed in Section 703 and 704 of this Ordinance.

SECTION 1208 BOARD OF SUPERVISORS' FUNCTIONS - CONDITIONAL USES

The Board of Supervisors shall hear and decide petitions for Conditional Uses specifically authorized in this Ordinance. Decisions to grant or deny the petition shall be subject to the following:

- A. General Criteria
 - 1. The proposed use shall be consistent with the purpose and intent of the Ordinance and shall be a use specifically permitted as a Conditional Use.

2. The proposed use shall comply with those criteria specifically listed in Article 7 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of the Ordinance.
- B. Conditional Use Application - A Conditional Use application must include all the plan requirements listed in Section 703 and 704 of this Ordinance.
 - C. Conditions - The Board of Supervisors in approving Conditional Use applications may attach reasonable conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.
 - D. Hearing Procedures

Hearings shall be conducted in accordance with the requirements of the Municipalities Planning Code.
 - E. Referral to Township Planning Commission

Applications for Conditional Use approval shall be referred to the Township Planning Commission at least thirty (30) days prior to the hearing on such Application to provide the Planning Commission an opportunity to submit comments. The Planning Commission shall provide written justification on all comments.

SECTION 1209 EXPIRATION OR REVOCATION OF A ZONING HEARING BOARD
OR BOARD OF SUPERVISORS' DECISION

The granting or approval of a Special Exception or Variance by the Zoning Hearing Board, or a Conditional Use by the Board of Supervisors shall be valid only for the petitioner and the property specified in the petition. Alterations or changes to the use or building authorized by the Zoning Hearing Board, or the Board of Supervisors in the case of a Conditional Use, shall require reapplication to the Board (or to the Board of Supervisors in the case of a Conditional Use.). If a Special Exception, Variance or Conditional Use is granted, the necessary permit shall become null and void should the Applicant fail to secure a permit for such activity within a period of one (1) year from the date of the decision. This may be extended by up to one (1) additional year upon written request by the applicant based upon just cause by the Board of Supervisors.

- A. The Zoning Hearing Board may revoke approval of a Variance or Special Exception, and the Board of Supervisors may revoke approval of a Conditional Use where:
1. The petitioner repeatedly violates conditions or safeguards specified in the Zoning Hearing Board's (Board of Supervisors') decision, or
 2. The petitioner initiates use or construction contrary to the Zoning Hearing Board's (Board of Supervisors') decision, or
 3. The petitioner is found to have misrepresented or falsified information pertinent to the Zoning Hearing Board's (Board of Supervisors') decision, or
 4. The Zoning Hearing Board's (Board of Supervisors') decision was in error and the revocation is instituted within thirty (30) days of the original decision or prior to substantial reliance thereon by the petitioner.
- B. Violation of the conditions or safeguards or use or construction contrary to that specified by the Zoning Hearing Board's (Board of Supervisors') decision shall be deemed a Violation of this Ordinance, punishable under Article 13 of this Ordinance. Revocation of the Zoning Hearing Board's (Board of Supervisors') approval shall not preclude the Zoning Officer from instituting civil enforcement procedures or the Township from proceeding in a court of law or equity to prevent or remedy violations of this Ordinance.

SECTION 1210 PARTIES APPELLANT BEFORE ZONING HEARING BOARD OR BOARD OF SUPERVISORS

Appeals may be filed in accordance with the procedures defined in the Municipalities Planning Code.

ARTICLE 13

VIOLATIONS AND REMEDIES

SECTION 1301 ENFORCEMENT NOTICE

If it appears to the Zoning Officer or other authorized Township representative that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, the Zoning Officer shall initiate enforcement proceedings in accordance with the procedures defined in the Municipalities Planning Code.

SECTION 1302 RIGHT OF ENTRY

The Zoning Officer or other authorized Township representative is authorized to enter any structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Zoning Officer or other authorized Township representative is authorized to pursue recourse as provided by law.

SECTION 1303 FINES AND PENALTIES

- A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance enacted under Act 247 of 1968, as amended by Act 170 of 1988, shall, upon being found liable therefore, in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than \$500.00 plus all Court costs, including reasonable attorney fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of Zoning Ordinances shall be paid over to the Municipality whose ordinances has been violated.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon causes shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this Section.

ARTICLE 14
AMENDMENTS

SECTION 1401 AMENDMENTS TO THIS ORDINANCE

Within the requirements of the Pennsylvania Municipalities Code, 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.

SECTION 1402 CURATIVE AMENDMENTS

The applicable provisions of the Pennsylvania Municipalities Code 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).

ARTICLE 15
LEGAL PROVISIONS

SECTION 1501 REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed; this includes the Towamensing Township Zoning Ordinance of 1991, as amended.

SECTION 1502 VALIDITY AND SEVERANCE

If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in the Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors hereby declares that they would have adopted the Zoning Ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

SECTION 1503 EFFECTIVE DATE

This Ordinance shall become effective upon enactment.

Ordained and enacted into law this 16 day of March, 2015.

TOWNSHIP OF TOWAMENSING

Carbon County, Pennsylvania

Attest:

Brenda L. Drew

Secretary

By:

Erny L. Kleintop

Chairperson, Board of Supervisors

Thomas F. Neuman

Vice-Chairman

[Signature]
Supervisor

