

Chapter 27

Zoning

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Part 1**General Provisions****§27-101. Short Title.**

This Chapter shall be known and cited as the “1995 Zoning Ordinance of the Township of Thornhurst, Lackawanna County, Pennsylvania.”

(*Ord. 27, 7/19/1995, §1.100; as amended by Ord. 41, 11/10/2011*)

§27-102. Application of Chapter.

No building, sign, or other structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered or removed unless in conformity with the regulations of this Chapter. However, this Chapter shall not require any change to any building, structure or use legally existing at the effective date of this Chapter, or any amendment thereto; or to any building, structure, or use planned and construction started in compliance with existing laws prior to the effective date of this Chapter, or any amendment thereto, and completed within a 1-year period after the effective date of this Chapter, or any amendment thereto, except as otherwise provided herein.

(*Ord. 27, 7/19/1995, §1.200*)

§27-103. Jurisdiction.

The regulations and provisions of this Chapter shall apply to and affect the entire geographic area of the Township, Lackawanna County, Pennsylvania, as shown on the Zoning Map included herein.

(*Ord. 27, 7/19/1995, §1.300*)

§27-104. Purpose of the Chapter.

1. This Chapter is enacted to implement the community development objectives set forth in §27-105 for the Township in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 *et seq.*, for the following purposes: to promote, protect and facilitate the public health, safety, morals, general welfare, coordinated, and practical development of the Township, the proper density of population, the provision of adequate light and air, protection of persons and property, the maintenance and improvement of the aesthetic qualities of the Township, vehicle parking and loading space, transportation, water, sewage, schools, public grounds, and other public requirements and the protection of the environment.

2. The Chapter is also designed to prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic, or other dangers; and to give consideration to the character of the Township, its various parts, and the suitability of the various parts for particular uses and structures.

(*Ord. 27, 7/19/1995, §1.400*)

§27-105. Statement of Community Development Objectives.

1. The Township Zoning Ordinance and Map is intended to promote the community development objectives set forth below. These objectives have been determined by the Supervisors based on their recognition of the following factors:

A. The existing character and limited development of the Township and its location relative to the Lehigh River.

B. The development constraints which exist in the Township due to the presence of extensive areas of steep slopes, high water table, floodplains, wetlands and soils with severe limitations for development.

C. The predominance of State Forest and State Game lands in the Township which occupy approximately two-thirds of the 21 square miles of land area in the entire Township.

D. The limited amount of acreage suitable for development which restricts the ultimate future population of the Township and which precludes suitable Township markets to support commercial and industrial development.

E. Except for the Thornhurst Country Club area, the lack of available public or central sewers to serve the Township and the high prohibitive cost of developing such facilities to serve a limited population.

F. The lack of major thoroughfares and highways to serve the Township which restricts access to the Township.

G. The ready availability and accessibility of extensive commercial and industrial development in adjoining communities.

H. The predominately rural low density character of existing development in the Township due to the factors listed above.

2. The community development objectives established by the Township Supervisors are set forth below:

A. To provide for the coordinated development of the Township in appropriate locations, including opportunities for development of various types of land uses including open space conservation, agriculture, residential, commercial and industrial uses.

B. To emphasize the continued development of low density residential uses, including a variety of housing types which will meet the needs of all residents. This type of development will primarily require on-lot sewer systems, except for the Thornhurst Country Club area which has been previously developed for medium density residential uses, served with a central sewer system.

C. To establish appropriate densities of development for residential and other uses, satisfying the needs of various age groups, income levels, family sizes, and individual preferences; with consideration given to the development constraints imposed by environmental factors and the physical characteristics of the terrain and soil conditions.

D. To oversee that adequate community facilities are available to serve the present and future needs of the population, including sewer and water facilities, drainage, fire protection, recreation, cultural, and other facilities.

E. To preserve the environmental character of the Township and protect

encroachment of major water bodies, including the Lehigh River and its tributaries; to protect wetland areas, and areas subject to flooding and to limit development on steep slopes and other areas not environmentally suitable for development.

F. To preserve existing open space and lands suited for agricultural use and provide opportunities for the stabilization and/or growth of agriculture and related rural uses.

G. To protect residential areas and neighborhoods from adverse influences.

H. To plan for a street and road system capable of circulating people and goods within and through the entire Township safely and efficiently.

I. To prevent future traffic congestion in the Township and to ensure that adequate parking space is provided to serve all uses in the Township.

J. To encourage neighborhood conservation and rehabilitation and preservation of the older areas of the Township and historic structures.

K. To discourage undesirable, uneconomical and unattractive mixtures of land uses.

L. To promote sound standards of development, maximize stability of property values, and encourage desirable economic activities.

(Ord. 27, 7/19/1995, §1.500)

§27-106. Interpretation and Validity.

1. *Interpretation.* In the interpretation and the application of the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances; provided, that where this Chapter imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Chapter shall prevail.

2. *Validity.* If any Section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be unconstitutional, unenforceable, or invalid, such decision shall not affect its remaining portions. The Supervisors of the Township hereby declare that they would have passed this Chapter and each Section and subsection thereof irrespective of the fact that any one or more of its Sections, subsections, clauses, or phrases may be found by court to be unconstitutional or otherwise invalid.

3. *Repealer.* The Township Zoning Ord. 10, enacted on September 6, 1977, and all amendments thereto are hereby completely repealed and replaced by this Chapter. All other existing ordinances or parts of ordinances in conflict with this Chapter, to the extent of such conflict and no further, are hereby repealed.

(Ord. 27, 7/19/1995, §1.600)

Part 2**Definitions****§27-201. Applicable Definitions.**

Except where specified in the following definitions, all words used in this Chapter shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “occupied” or “used” shall include “arranged, designed, constructed, altered, converted, rented, leased, or intended to be used”; and the word “shall” is intended to be mandatory and the word “may” is permissive; the word “abut” shall include the words “directly across from” and the word “lot” includes “parcel,” “tract,” or “plot.”

Accessory use or structure—a use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal use or building. Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

Adjusted tract area—the gross tract area minus the constrained land. [Ord. 41]

Adult oriented uses or activities—includes the exhibition, the conduct of live activities or uses, or the dissemination by sale, loan, or otherwise of explicit sexual materials, and/or of an obscene nature; if such uses or activities comprise more than 20 percent of the stock in trade of the premises or constitute, from time to time, the primary or major attraction to the premises.

(1) *Explicit sexual materials*—as used herein, means:

(a) Any picture, photograph, drawing, sculpture, motion picture film, or other similar visual representation of image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse.

(b) Any book, pamphlet, magazine, printed matter, video tape, computer disk or other device, however reproduced, or sound recording which contains any manner enumerated in subparagraph (a) above, or explicit and detailed verbal excitement, sexual conduct, or sadomasochistic abuse, or sex related violence.

(2) *Obscene nature*—as used herein, means that:

(a) The average person, applying contemporary community standards, would find that the subject matter taken as a whole appeals to the prurient interest.

(b) The subject matter depicts or describes in a patently offensive way materials of the type described herein above.

(c) The subject matter, taken as a whole, lacks serious literary artistic, political, educational, or scientific value.

(3) Words and phrases used herein shall have the meanings given to them

under 18 Pa.C.S.A. §5903 and any amendments, from time to time, thereto.

Adult book, video or computer store or establishment—an establishment having a portion of its stock in trade including, but not limited to, books, magazines, photographs, slides, graphic displays, or other information, including such information stored or displayed by video or computer equipment or other electronic means or other materials which are distinguished by their emphasis on matter depicting, describing, or relating to “explicit sexual materials and/or obscene materials” as defined herein.

Adult picture theater—an enclosed building or outdoor theater, or part thereof, used for presenting motion pictures, slides, video tapes, computer graphic displays, or other reproduced images by any means, or for live activities, entertainment, or uses, distinguished or characterized by an emphasis on matter depicting, describing or relating to “explicit sexual materials and/or obscene materials” as defined herein.

Alley—a public or private way affording only secondary means of access to abutting property, or a public thoroughfare having a right-of-way width of less than 24 feet.

Alterations, structural—as applied to a building or structure, a change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

Animal husbandry—the raising and keeping of livestock and poultry, with the intent of producing capital gain, or profit or with the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets, or for domestic purposes pursuant to the regulations of this Chapter, shall not be construed as animal husbandry.

Automotive junkyard—a place where three or more motor driven vehicles which do not bear a current State inspection sticker and/or license plate and/or their related parts are stored or disassembled.

Auto, trailer, or boat sales area—an open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, trailers, or boats in operable condition and where no repair work is done.

Auto service station—a building or place of business where gasoline and automobile accessories are dispensed directly to the motor vehicle trade, and where automotive repair services may be rendered.

Auto wrecking—the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Basement—a floor level partly below grade. A basement shall be considered a story if more than one-third of the perimeter walls are 5 feet or more above the finished grade level of the ground immediately adjacent to the walls.

Bed and breakfast establishment—a private residence which contains 10 or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

Board—see “Zoning Hearing Board.”

Boarding house—see “rooming house.”

Buffer—for the purposes of §27-510.2.B and §27-510.2.D, the area of land immediately adjacent to any wetland, lake, pond, vernal pond, or stream, measured perpendicular to and horizontally from the delineated edge of the wetland, lake, pond, or vernal pond, or the top-of-bank on both sides of a stream. [Ord. 37]

Building—any structure having a roof supported by columns, poles, piers, cables, or walls, used for the shelter, housing, or enclosure of persons, animals or property, including tents or structures on wheels or porches as defined herein. Structures divided by unpierced masonry division walls extending from the ground to the roof shall be deemed to be separate buildings.

Building height—the vertical distance derived from the average of the finished grade at the foundation corners of the building or structure to the highest point of the building or structure, excluding a chimney or other similar structure as listed in §27-501.B.

Building, principal—a building in which is conducted the main or principal use of the lot on which it is situated.

Building restriction or setback line—a line which designates the minimum distance between any building and/or use and the adjacent road right-of-way or property line. Such line shall be measured at right angles from the front, side, or rear street right-of-way or property lines which abut the property upon which said building and/or use is or is to be located and parallel to said right-of-way or property line.

Bulk—the size and shape of building uses and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building; and all open spaces required in connection with a building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area, lot width and depth, building height, required yards, lot coverage, courts, usable open space, floor area ratio, spacing between buildings on a single lot and the length of buildings in a row. [Ord. 41]

Campgrounds and recreational vehicle parks—a tract of land, or any portion thereof, with approved sites for the temporary use of tents or recreational vehicles for camping purposes, with or without a charge for the leasing, renting or occupancy of such space, and which are not to be used for long term residency or occupancy. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development. [Ord. 41]

Campsite—a defined area within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land. [Ord. 41]

Cellar—the portion of a building, other than a basement, that is located completely below ground level.

Club house or lodge—a building to house a nonprofit club or social organization and which is not adjunct to or operated by or in connection with a public tavern, café, or other public place.

Commission—see “Planning Commission.”

Commercial communication device—any structure or equipment which is intended for commercial or governmental use in transmitting or receiving television, radio, telephone or other electronic communications, including internal or agency communications, but excluding the following which are not appropriate subjects of this Chapter:

(1) Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.

(2) Military and government radar antennas and associated communication towers used for navigational purposes as regulated by 47 CFR 87.

(3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communication towers as regulated by 47 CFR 97 and 47 CFR 95.

(4) Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer or watercraft.

(5) A radio frequency machine which is designated and marketed as a consumer product, such as auditory assistance devices, biomedical telemetry devices, carrier current systems, Class A or B digital devices, field disturbance sensors, perimeter protection systems, power line carrier systems, microwave ovens or radio-controlled devices regulated by 47 CFR

(6) Privately owned antennas for receiving commercial television or radio serving a dwelling.

[Ord. 37]

Commercial communication device support structure—any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communication device. [Ord. 37]

Commercial communication device support structure height—the vertical distance measured from the base of the support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height. [Ord. 37]

Commercial vehicle—any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use, except for a pick-up truck not exceeding a total of 10,000 pounds of gross vehicle weight. Any motor vehicle including passenger cars and pick-up trucks of any size which by reason of a characteristic coloring or marking exceeding 1 square foot in area is identified or commonly associated with any business, industry, or public agency shall be considered a commercial vehicle within the terms of this Chapter. An unmarked passenger car used in business by a resident shall not be considered to be a commercial vehicle.

Common facilities—all the real property and improvements, owned in common by residents within the development, which is served by the facilities. Common facilities include, without limitation, landscaped areas, buffers, conservation open space not included within title lines of any privately owned lot, and street rights-of-way not dedicated to the Township. [Ord. 41]

Common green—an area of conservation open space, surrounded by streets on at least two and often three or four sides, around which dwellings are organized. [Ord. 41]

Community association—a non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by members of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners associations and condominium associations are types of community associations. [Ord. 41]

Comprehensive Plan—the official comprehensive or land use plan of the Township as may be adopted by the Township Supervisors.

Competent authority—a competent authority is a person, corporation or an established and recognized agency which because of education and/or experience or special legal jurisdiction or enforcement responsibility or because of other special qualification is considered to be an authority in a specific subject matter or activity and is therefore deemed competent by the Township Supervisors to provide expert advice to the Township. Such a competent authority may include professional engineers or architects, planners, attorneys, or other experts, or County, State or Federal agencies such as Pennsylvania DEP, PennDOT, Pennsylvania DCED, Lackawanna County Conservation District, Lackawanna County Planning Commission, County or State Health Departments, Federal Environmental Protection Agency, and other applicable agencies or professional persons. [Ord. 41]

Conditional use—a use which by virtue of its own particular characteristics may be permitted in particular areas only after review and recommendation by the Planning Commission and after a public hearing and approval by the Supervisors pursuant to express standards and criteria set forth in this Chapter.

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 separate portions, in accord with the Pennsylvania Uniform Condominium Act, Act 1980-82, 68 Pa.C.S.A. §3101 *et seq.*, as amended. [Ord. 41]

Conservancy lot—a large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required conservation open space in a conservation subdivision. [Ord. 41]

Conservation areas, primary (PCA)—lands containing primary resources that are conserved as a part of conservation open space. [Ord. 41]

Conservation areas, secondary (SCA)—lands containing secondary resources that are conserved as a part of conservation open space. [Ord. 41]

Conservation open space—see “open space, conservation.” [Ord. 41]

Constrained land—selected resources listed in this Chapter, multiplied by a protection factor and totaled. [Ord. 41]

Convalescent home—see “nursing home.”

Crop farming—the raising and keeping of field, truck and tree crops. For the purposes of this Chapter, the term “crop farming” does not include animal husbandry.

Curative amendment, landowner—a proposed amendment to this Chapter

prepared by a landowner who desires to challenge, on substantive grounds, the validity of the Zoning Ordinance or Map, or any provision thereof, in accordance with §609.1 of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, 53 P.S. §10609.1, as re-enacted and amended.

DBH (diameter at breast height)—the diameter of a tree trunk measured 4.5 feet above the ground at the base of the tree. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split. The term applies to trees in the field (not nursery stock). [Ord. 41]

Deck—see definitions of “patio” and “porch.”

Detention center—an interment or treatment facility for persons charged with, or convicted of, criminal offenses (including juvenile delinquents), and/or other persons involuntarily committed under applicable mental health or other statutes.

District or zone—a portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

Dormitory—a residence hall or building which provides sleeping rooms to be used primarily by students of a school or college or by members of a club, fraternity or sorority or other institution.

Dump—a site used primarily for the disposal by abandonment, dumping, burial, burning, or other means and/or for the storage of waste materials which is operated in an environmentally safe manner, in accordance with applicable Federal, State, or local requirements and/or permits.

Dwelling—any building, vehicle, or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons and as defined further below. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, or sorority house or family care or group care facility as defined herein.

(1) *Dwelling unit*—one or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family (as defined herein) for living and sleeping purposes, and having a separate and independent entrance.

(2) *Dwelling, efficiency*—a configuration for a dwelling unit within a multi-family or apartment building where a separate bedroom is not provided and the sleeping quarters are located in the same room as the living quarters.

(3) *Dwelling, single-family, detached*—a detached building on a permanent foundation, designed for or occupied exclusively as a residence by one family, including a “mobile home dwelling” as defined below, except that such mobile home must be located on a permanent foundation.

(4) *Dwelling, single-family, semi-detached*—a building on a permanent foundation, designed for use as a single dwelling unit to be occupied exclusively as a residence by one family, which has only one side yard and one party wall in common with another building.

(5) *Dwelling, two-family, detached*—a detached building on a permanent foundation in which not more than two individual family or dwelling units are entirely separated by vertical walls and/or horizontal floors, and where each

dwelling unit has a completely separate entry and exit.

(6) *Dwelling, mobile home*—a transportable single-family dwelling structure constructed on a permanent foundation, intended for permanent occupancy for use by one family, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; except for a travel trailer as defined herein; and excluding such mobile home dwellings or prefabricated homes or sections thereof which when assembled or combined into a single unit are more than 19 feet in width and no longer readily capable of being separated for repeated towing.

(7) *Dwelling structures, multi-family*—multi-family dwelling structures are structures which contain three or more dwelling units, including dwelling units commonly referred to as townhouses, garden apartments, or apartment buildings. Each dwelling unit in such a structure shall be designed for occupancy of families living independently of each other.

(a) *Garden apartment*—multi-family dwelling originally designed as such; containing three or more dwelling units and not exceeding 2½ stories in height, not including townhouses.

(b) *Townhouse*—multi-family dwelling of three or more dwelling units of no more than 2½ stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.

(c) *Apartment*—multi-family dwellings where individual units enter a common hallway and which may exceed 2½ stories but not exceeding the height limitations (in feet) of this Chapter.

[Ord. 37]

Essential services—the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family—any individual, or two or more persons, all of whom are related by blood, marriage, legal adoption, or foster placement living together as a single housekeeping unit. A group of not more than five persons, all or some of whom are not related as defined above, living together in a single, nonprofit dwelling unit and maintaining a common household with a single cooking facility shall also be considered to be a family. A “family” shall not be deemed to include the occupants of a boarding house, rooming or lodging house, club, fraternity/sorority or dormitory or a family care or group care facility as defined herein.

Family care facility—a facility which provides resident service in a private residence to six or fewer individuals who are being cared for by members of the

resident household. These individuals are handicapped, aged, disabled or in need of medical and/or adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding houses for children, and other age groups, and daycare centers, but does not include “nursing homes” or “detention centers” as defined herein.

Farmstead—a group of buildings including a single-family dwelling, barn, and accessory buildings, typically found on a farm and which are only required for the operation of the farm.

Fence—any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. For the purpose of this Chapter, a fence is a boundary line fence when the average center line of the fence is established on the lot within 2 feet of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.

(1) *Natural living fence*—a barrier of natural living vegetation, including shrubs, hedges, trees, or other plant materials, shall only be considered to be a fence if 50 percent or more of the horizontal length of such materials or growth within 6 feet of the ground surface provides a visual screen or obstruction to vision.

(2) *Fabricated materials fence*—any structure or wall, regardless of composition of material, except for a natural living fence, which is constructed and installed to act as a visual or physical outdoor barrier.

Forestry—the management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill or the operation of any other wood manufacturing business. [Ord. 37]

Flood prone area—a flood prone area is an area subject to flooding as defined in any floodplain management ordinance adopted by the Township and as it may be amended thereafter.

Floor area—the sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two buildings.

Floor area ratio—the total floor area of a building divided by the area of the lot on which it is located. Regardless of the internal arrangements of a building, it shall be deemed to have at least one story for each 20 feet of height or fraction thereof.

Garage, private—an accessory building or part of a principal building used only for the storage of private motor vehicles and other personal effects of the occupant of the principle structure.

Garage, service—a building or part thereof used for the repair of motor vehicles for enumeration and not used for dismantling or scrapping of motor vehicles.

Garage, community—a building or group of buildings, used exclusively for the storage and parking of automobiles and not used for making repairs thereto.

Green, common—an area of conservation open space, surrounded by streets on at least two and often three or four sides, around which dwellings are organized. [Ord. 41]

Gross tract area—the total amount of land contained within the limits of the legally described property lines bounding the tract. [Ord. 41]

Group care facility—a facility which provides resident services to seven or more individuals of whom one or more are unrelated, who are being cared for by a supervisory staff. These individuals may be handicapped, aged, or disabled, or in need of adult supervision and are undergoing rehabilitation and are provided services to meet their individual needs. This category includes uses licensed or supervised by any Federal, State, or County health/welfare agency, such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes, not including “nursing homes” or “detention centers” as defined herein.

Hedgerow—a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g., as a windbreak). [Ord. 41]

Historic structure—any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either.

(a) By an approved State program as determined by the Secretary of the Interior.

(b) Directly by the Secretary of the Interior in states without an approved program.

[Ord. 41]

Heliport—an area that is used for the landing and take-off of helicopters and including some or all of the auxiliary facilities useful to the helicopter’s operation such as helicopter parking, waiting room, fueling and maintenance equipment.

Home occupations and businesses—activities undertaken on residential properties, by a resident of the property and by other persons as permitted by this Chapter, which are carried out with the intent of earning an income. Such activities are classified into the following two categories:

(1) *Home occupation*—an accessory use to a residential dwelling unit which is permitted under the terms of this Chapter. Such uses are restricted in size and scope, as required herein, to safeguard the residential area in which they are located.

(2) *Home based businesses*—home based businesses are not considered accessory uses but are separate independent business in a residential area on a parcel of land of sufficient size, operated by the resident of a residential housing unit located on the same parcel, or on a parcel adjoining the principal residence of the owner of said business.

Homeowners association—a non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with “property owners association.” [Ord. 41]

Horse—any animal of the horse family or resembling a horse including, but not limited to, horses, ponies, mules, and donkeys. [Ord. 37]

Hospital—an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities, but excluding treatment centers/clinics. [Ord. 37]

Hotel—a building or group of buildings designed to serve the public, with one or more outside entrances which contains six or more permanent bedrooms and which is designed, arranged, and used for the overnight lodging of travelers or for temporary occupancy of transients; and which may include a public dining room and kitchen.

Impervious surface—a surface that limits the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf. [Ord. 41]

Invasive plant species—predominantly non-native tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate that they out-compete many native plant species. [Ord. 41]

Junk and Junkyard—

(1) *Junk*—junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires, and other manufactured goods, any of which are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or processed for reclamation, salvage, or recycling.

(2) *Junkyard*—a junkyard shall consist of an outdoor storage yard or premises where junk, waste, discarded, or salvage materials are bought, sold,

exchanged, stored, baled, packed, disassembled, or handled, where no less than 40 percent of the storage, processing, and associated activities take place in an enclosed building.

Kennel—any establishment housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition shall also include any veterinary clinic with outdoor animal runs and the keeping of four or more dogs that are more than 6 months of age. [Ord. 37]

Land disturbance—any activity which exposes soil, alters topography and/or alters woody vegetation, except for removal of a safety hazard, diseased trees, or invasive vegetation. [Ord. 41]

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

(1) *Lot, corner*—a lot situated at an abutting the intersection of two streets.

(2) *Lot, depth*—the average distance between the front and the rear lot lines.

(3) *Lot lines*—the property lines bounding the lot.

(a) *Lot line, front*—the line separating the lot from the principal street right-of-way on which the lot has frontage.

(b) *Lot line, rear*—the lot line opposite and most distant from the front lot line.

(c) *Lot line, side*—any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

(4) *Lot width*—the width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

[Ord. 41]

Lot area, gross—the computed area contained within the lot lines. [Ord. 41]

Lot area, minimum required—the computed area contained within the lot lines less the constrained land calculated in the Constrained Land Table in §27-706.4. [Ord. 41]

Lot coverage—that portion of the lot covered by all created improvements, including but not limited to buildings, decks, porches, accessory buildings, paving, patios, sidewalks, pools and other impervious surfaces. [Ord. 41]

Membership club—see “social hall, club, or lodge.”

Medical office building—a building used exclusively by physicians and dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

Menagerie—a collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes. [Ord. 37]

Mobile home park—a parcel of land at least 10 acres in size, under single ownership, which has been planned and improved for the placement of two or more mobile homes for nontransient use.

Motel—a building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient 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 uses.

Municipality or Township—the Township located in Lackawanna County, Pennsylvania.

Nonconforming lot—any lot, legally existing at the date of passage of this Chapter, which does not conform with either one or more of the following: the minimum width, depth and area dimensions specified for the district where such a lot is situated.

Nonconforming use or structure—

(1) *Nonconforming structure*—a building or structure or part thereof manifestly not designed to comply with the applicable use, or extent of use provisions in a zoning ordinance or amendment thereto or hereafter enacted where such building or structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

(2) *Nonconforming use*—a use, whether of land or building or structure, which does not comply with the applicable use provisions of this Chapter or amendment thereto or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursing home—a facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of three or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a treatment center. [Ord. 37]

Obstruction to vision—any structure, fence, sign, plant material, or other obstruction which obstructs vision between a height of 2 to 10 feet above the center line grade of the adjoining streets or driveways within the triangle formed by the street or driveway intersection, created by the right-of-way line of each street or driveway extended to a point, and a line drawn between two points on the right-of-way line of each street or driveway, each located 15 feet from the street or driveway intersection for local and collector streets, and 30 feet for major State and Federal traffic routes. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

Open space—that part of a particular development tract set aside for the protection of sensitive natural features or for a particular restricted use, and which contains no project improvements except as permitted by this Chapter, is restricted from further development, and cannot be used as a basis for density for any other development. [Ord. 41]

Open space, conservation—a parcel or parcels of land and/or water, within a conservation subdivision, set aside for the protection of natural and cultural resources. It consists of primary and secondary conservation areas and is

permanently restricted against further development. [Ord. 41]

Open space, public—open space that is dedicated or reserved for the use of the general public. [Ord. 41]

Patio—a surfaced area or courtyard or a deck less than 1 foot above the highest ground elevation over which it is located, designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls, shrubs or hedges less than 4 feet in height. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure. (See definition of “porch.”)

Permit—a document issued by the proper authority of the Township authorizing an applicant to undertake certain activities, as further defined below:

(1) *Zoning permit*—a permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Chapter or with an order of the Zoning Hearing Board or Supervisors and authorizing an applicant to proceed with said use, building, or structure.

(2) *Building permit*—a permit indicating that a proposed construction, alteration or reconstruction of a structure is in accordance with the construction provisions of any building code adopted by the Township, which authorizes an applicant to commence with said construction, alteration, or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as may be required under the terms of this Chapter.

(3) *Occupancy permit*—a permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this Chapter and may be used for the purposes set forth in the occupancy permit.

Permitted use—any use which does not require special action by the Planning Commission, the Zoning Hearing Board, or the Supervisors before a zoning permit is granted by the Zoning Officer.

Planning Commission—the Planning Commission of the Township established in accordance with the requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Porch—a structure or part of a structure which is enclosed on one or more sides by a fence or wall which is 4 feet high or higher or covered by a roof or awning; or a structure which would otherwise be classified as a patio or deck except that it is more than 1 foot above the highest ground elevation on which it is located.

Primary conservation area—see “conservation area, primary.” [Ord. 41]

Principal use—the primary or most important or main use of a lot, parcel, or structure.

Professional office—professional offices shall include the office of a physician, dentist, optometrist, architect, landscape architect, engineer, planner, insurance broker, realtor, accountant, lawyer, author, or other member of a recognized profession.

Public notice—notice for a public hearing published once each week for 2 consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the

matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than 7 days from the date of the hearing. (Also see §27-607.)

Recreational vehicle—a vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic types of recreational vehicles are:

(1) *Camper trailer*—a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite.

(2) *Motor home*—a vehicular unit built on a self-propelled motor vehicle chassis.

(3) *Travel trailer*—a vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.

(4) *Truck camper*—a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.

(5) *Self-contained unit*—a unit which:

(a) Can operate without connections to external sewer, water and electrical systems.

(b) Has a toilet and holding tank for liquid waste.

(c) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

[Ord. 41]

Research center—land under single ownership or agreement, planned and developed to provide service sites for structures and facilities, devoted to experimentation in pure or applied scientific research, or to the design, development and testing of new prototype machines, devices, products, or processes, and all accessory structures and facilities necessary to the operation thereof.

Residential retirement complex—a planned residential development for persons of retirement age located on 5 acres or more which is held in one ownership and which provides residential living accommodations and certain health care facilities for the residents. Additional communal facilities may also include dining, recreation, open space, parking, and related facilities and other support services.

Resort—a business, situated on a lot containing 5 acres or more, combining lodging, eating, recreational, or entertainment facilities as a single enterprise offered to the public at large or any segment thereof, subject to the requirements contained herein.

Resources, primary—resources consisting of 100-year floodplain (including the floodway), wetlands and prohibitive steep slopes (above 25 percent). In conservation subdivisions, all lands containing primary resources are called primary conservation areas. [Ord. 41]

Resources, secondary—natural or cultural features outside primary conservation

areas that are worthy of conservation by inclusion in conservation open space. Lands containing secondary resources that are conserved are called secondary conservation areas. [Ord. 41]

Rooming or boarding house—a building containing one or more dwelling accommodations in which at least two rooms are offered for rent, to adults aged 18 years or older, payable in money or other consideration, whether or not meals are furnished to occupants, and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents, and other similar uses is not deemed to be a boarding or rooming house.

Sanitary landfill—a land site designed to meet the requirements of the Commonwealth of Pennsylvania Department of Environmental Protection and on which engineering principles are utilized to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution or environmental degradation. [Ord. 41]

Sanitary sewer system, public—a sewer system serving all or a portion of the municipality developed and administered by a governmental agency or authority.

Satellite earth stations—a dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

Seasonal home—a cabin, lodge, summer house, or other structure designed and intended for temporary occupancy by one family for less than 150 days of the year. Seasonal homes shall be designed as single-family detached dwellings and shall conform to the minimum floor area requirements of §27-509.5 and to all applicable building code requirements for single-family detached dwellings which have been adopted by the Township.

Secondary conservation area—see “conservation area, secondary.” [Ord. 41]

Sewage disposal, on-site—a single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil on that lot or as may be permitted on common open space in a conservation subdivision design development. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall be considered on-site sewage and all development standards will apply the same for each dwelling or unit as any single family unit. [Ord. 41]

Sewage disposal system, central, off-site or community—a sanitary sewage collection system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal system or sewage treatment plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit. [Ord. 41]

Sign, advertising—an “advertising sign,” also referred to as a “billboard,” is any graphic or visual display which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises

where such sign is located or to which it is affixed.

Sign, business—a “business sign” is any graphic or visual display which directs attention to a business or profession or to a commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or to which it is affixed.

Sign, gross surface area of—the “gross surface area” of a sign or sign structure shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign or structure or display and in no case passing through or between any adjacent elements of same, but not including any structural or framing elements located outside the limits of the display of such sign.

Social hall, club, or lodge—a building, structure, lot or land area, or portion thereof, used as a private club or social organization or for activities or services not generally extended to the general public and not conducted for individual profit or gain.

Special exception—a use which may be granted or denied pursuant to express standards and criteria established in this Chapter. Requests for such “special exceptions” shall be decided by the Zoning Hearing Board after a review and recommendation from the Planning Commission and after a hearing to determine compliance with said standards and criteria.

Stable, commercial—a structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which may include the commercial hire of horses to the general public for riding or other purposes. [Ord. 37]

Stable, private—an accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use. [Ord. 37]

Steep slopes—areas of land, 3,000 square feet or greater, where the grade is 15 percent or greater. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over three consecutive 2-foot contour intervals (6 cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in Pennsylvania. Steep slopes are divided into two categories:

- (1) Precautionary slopes are those areas of land where the grade is 15 to less than 25 percent.
- (2) Prohibitive slopes are those areas of land where the grade is 25 percent or more.

[Ord. 41]

Story and half-story—that portion of a building, included between the surface of any floor, but excluding the basement or cellar, and the ceiling next above it and having a vertical distance of not less than 7 feet. Any such portion of a building having a distance of less than 7 feet shall be considered to be a half-story.

Stream—see “watercourse.” [Ord. 37]

Street—a public or private thoroughfare, having a right-of-way width greater than 24 feet, which affords the principal means of access to abutting property,

including avenue, way, drive, boulevard, highway, road, and any other thoroughfare except an alley.

(1) *Public street*—a street, as defined herein above, which is dedicated to and accepted by the Township and legally open to the general public for use as a means of vehicular and pedestrian traffic.

(2) *Frontage on public streets*—no use shall be created nor any building occupied unless the lot or tract on which it is situated has frontage on a public street, or a street improved to Township standards, without traversing through or around another use and/or building; provided, however, that planned multiple dwelling unit structures, including apartment development complexes may abut private streets that are connected to a public street.

(3) *Street classification*—streets within the Township are classified by the Subdivision and Land Development Ordinance of the Township [Chapter 22] as a “collector street,” a “major street,” a “minor or local street,” a “nonresidential street,” or a “marginal access street” in accordance with definitions and requirements of the Township Subdivision and Land Development Ordinance [Chapter 22].

Structure—anything constructed, including a building, the use of which requires permanent or fixed location on the ground, or attachment to something having a permanent location on the ground. The term “structure” shall include signs, fences, walls, stationary and portable carports, porches, swimming pools, garages, and other construction of all types.

Supervisors—the officially elected or appointed members of the Township Board of Supervisors.

Swimming pool—any body of water or receptacle for water having a depth at any point greater than 2 feet used, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above the ground, outside any building.

Temporary or seasonal occupancy—the use of any premises or structure for living and/or sleeping purposes for less than 150 days in any calendar year.

Top of bank—the linear area along a watercourse which carries the flow of water when the watercourse is not in flood stage. [Ord. 37]

Township—see “municipality.”

Tract area, adjusted—the gross tract area minus the constrained land. [Ord. 41]

Tract area, gross—the total amount of land contained within the limits of the legally described property lines bounding the tract. [Ord. 41]

Travel trailer—a vehicle less than 450 square feet in floor area which can be moved over the highway and be used for temporary living or sleeping purposes and standing on wheels and containing not more than one dwelling unit.

Treatment center / clinic—a use (other than a detention facility or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than 1 year and who need such facilities because of:

- (1) Chronic abuse of or addiction to alcohol and/or a controlled substance.

(2) A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

[Ord. 37]

Usable open space—a portion of a lot or tract used for residential purposes exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

Use class—a group of similar, related or compatible land uses which are grouped together for inclusion in one or more zoning districts.

Use class subcategory—within any single use class, those uses which are considered to be similar or of the same type are included in the same paragraph in §27-403. Any use located in the same paragraph as another use as set forth in §27-403 shall be considered to be in the same use class subcategory.

Variance—the Zoning Hearing Board’s authorized departure from the provisions of this Chapter where the Board finds that such provisions inflict unnecessary hardship upon an applicant, in accordance with the procedures set forth in this Chapter and with the laws of the Commonwealth of Pennsylvania.

Vernal pond—an isolated, contained basin depression that holds water for at least 2 months in the spring and summer, critical to several amphibian, reptile, and invertebrate species. It also provides important storage for stormwater runoff and spring snow-melt that would otherwise contribute to down stream flooding. A vernal pond is no bigger than 300 feet long and 120 feet wide and is often much smaller. [Ord. 37]

Water body—any natural or man-made pond, lake, or stream. This shall not include any pond or facility designed and constructed solely to contain stormwater. [Ord. 37]

Water supply, central, off-site or community—a drinking water supply system in which drinking water is carried to individual lots or dwelling units by a system of pipes from a central source not located on any of the served lots and which may be publicly or privately owned and operated. [Ord. 41]

Water supply, on-site or on-lot—a single system of piping, tanks or other facilities serving only a single lot and providing drinking water from a source on the lot. [Ord. 41]

Water supply, shared—a drinking water supply system in which the source is located on the lot it supplies and drinking water is carried to one other lot by a system of pipes and which is privately owned and operated. [Ord. 41]

Water supply system, private—a privately owned water supply system designed and constructed to transmit and distribute water from a common source for domestic use, firefighting and other purposes to any portions of a development or area.

Water supply system, public—a water supply system serving all or a portion of the municipality which has been developed and is administered by a governmental agency or authority.

Watercourse—any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent, or seasonal

flow. [Ord. 37]

Wetlands—areas that are inundated and 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, and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Chapter. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply. [Ord. 41]

Wild or exotic animal—any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property. [Ord. 37]

Wind farm—a facility where one or more windmills 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 windmill 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 farm. [Ord. 37]

Woodland disturbance—any activity that (1) alters the existing structure of a woodland or hedgerow, including the cutting or removal of canopy trees, sub-canopy trees, understory shrubs and vines, and herbaceous woodland floor species; (2) constitutes a land disturbance within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. [Ord. 41]

Woodlands—a tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees (larger than 12 inches dbh) covering an area of $\frac{1}{4}$ acre or more, or consisting of 10 individual trees larger than 6 inches dbh, shall be considered a woodland. The extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the plant community. [Ord. 41]

Yard—an open space, as may be required by this Chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line, as defined below, and which is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this Chapter.

(1) *Yard, front*—the space extending the full width of the lot between the principal building and the front lot line.

(2) *Yard, rear*—the space extending the full width of the lot between the principal building and the rear lot line.

(3) *Yard, side*—the space extending from the front yard to the rear yard between the principal building and the nearest side lot line.

Zoning Hearing Board—the Zoning Hearing Board of the Township.

Zoning Officer—the administrative officer charged with the duty of enforcing the provisions of this Chapter.

Zoo—a collection of animals which are maintained in a park by an educational, nonprofit or governmental entity. [*Ord. 37*]

(*Ord. 27*, 7/19/1995, §2.100; as amended by *Ord. 37*, 3/10/2005, Item 1; and by *Ord. 41*, 11/10/2011)

Part 3**Establishment of Zoning Districts****§27-301. Names of Zoning Districts.**

The Township is hereby divided into the following six districts:

- A. *Conservation District.*
OSC–Open Space Conservation
- B. *Agricultural Districts.*
A-R–Agricultural-Residential
- C. *Residential Districts.*
V-R–Village Residential
R-1–Low Density Residential
R-2–Medium Density Residential
- D. *Nonresidential Districts.*
R-C–Residential-Commercial District

(Ord. 27, 7/19/1995, §3.100)

§27-302. Zoning Map.

The location and boundaries of these districts are established as shown on the attached Zoning Map of the Township. The Zoning Map is hereby made a part of this Chapter.

(Ord. 27, 7/19/1995, §3.200)

§27-303. Interpretation of Boundaries.

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary. Where doubt exists as to the intended meaning of the language written and enacted by the Supervisors, then the Board shall interpret the language in favor of the property owner and against any implied extension of the restriction.

(Ord. 27, 7/19/1995, §3.300)

Part 4**Basic District Regulations****§27-401. Basic Regulations.**

The basic regulations governing the use of land, the size of lots, yards, and buildings within each Zoning District are established in this Part. For certain specific uses or exceptional situations, these basic regulations are supplemented by Part 5 and by other provisions of this Chapter.

A. Regulations Governing the Use of Land.

(1) Regulations governing the use of land within the various Zoning Districts shall be as set forth in Schedule 27-I and in §27-403.

(2) Specific use requirements and required criteria for such uses are included in the following Sections:

(a) Permitted uses—see §27-403.2.

(b) Special exception uses—see §27-403.3.

(c) Conditional uses—see §27-403.4.

B. Regulations Governing the Size of Lots, Yards, and Buildings.

(1) Regulations governing the size of lots, yards, and buildings in the various zoning districts for permitted uses only, except as otherwise provided herein, shall be as set forth in Schedule 27-II.

(2) The size of lots, yards, and buildings for special exception and conditional uses shall be set forth in §§27-403.3 and 27-403.4 respectively, except where no requirement is indicated in these sections then the requirements in Schedule 27-I shall apply.

(Ord. 27, 7/19/1995, §4.100)

§27-402. Performance, Environmental, and Traffic Requirements.**1. Performance and Environmental Impacts.**

A. In no district will a use be permitted or operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, environmental, or other hazard; noise or vibration; smoke, dust, dirt, or other form of air, solid waste, or water pollution; electrical, glare, traffic congestion or other disturbance of a permanent or recurring nature which will adversely affect the surrounding area or premises, or be dangerous to public health and safety.

B. The Township may determine compliance with this Section based on the following:

(1) Data and information submitted with the zoning application.

(2) Where such data and information is not sufficient to reach a determination, the Zoning Officer may consider the proposed use as a “conditional use” subject to all requirements for “conditional uses” as required herein and may so notify the applicant within 10 days of the receipt of the

zoning application.

(3) The Supervisors may also require detailed expert review of all uses to determine compliance in accordance with established standards or with regulations of applicable governmental or other recognized agencies such as the Pennsylvania Department of Environmental Protection (DEP), the Lackawanna County Conservation District and the Penn State Agricultural Extension Office. [Ord. 41]

2. *Traffic Impact Requirements.*

A. All development projects will be evaluated by the Zoning Officer to determine the level of traffic impact on the Township and the area in which the project is to be located. This will apply to all new projects or uses proposed or to any expansion of an existing development which is proposed after the effective date of this Chapter.

B. The level of traffic impact will be based on the estimated “trip ends” generated by the proposed uses in the project. “Trip ends” are defined as the total number of trips per day entering and leaving a specific land use or uses located in a project. These “trip ends” may be based on the estimated “trip generation rates” for various types of land uses based on the publication entitled “Trip Generation, An Information Report,” published by the Institute of Transportation Engineers.

C. The total number of average daily “trip ends” shall also mean “Average Daily Traffic (ADT).” Schedule 27-III entitled “Trip Ends Per Day,” adapted from the above publication, may be used for estimating the ADT generated by any proposed project or addition to a project. In lieu thereof, the developer or the Township may use the latest edition of above publication directly if it is considered to provide a more applicable estimate of the “trip ends per day” for the specific uses proposed. However, the Supervisors shall make the final determination or interpretation as to the specific uses or procedures in the publication which are most applicable to the proposed use.

(1) *Determination of Major Traffic Impact.* Any development which has an estimated ADT (or daily trip ends per day) in excess of 1,000 shall be considered to have a “major traffic impact.”

(2) *Conditional Uses.*

(a) All “major traffic impact” projects shall be considered to be “conditional uses” as defined herein, even if they are listed as permitted or special exception uses in Schedule 27-I and all procedures applicable to conditional uses shall apply to zoning applications for such projects.

(b) If any project is proposed after the date of adoption of this Chapter which does not have a “major traffic impact” as defined herein, and a later or subsequent addition to that project is proposed within 10 years of the initial project, then the cumulative effect of all separate submissions shall be used, regardless of any changes in ownership which may take place over the time period under consideration. This shall apply to all types of residential, nonresidential, resort, and recreation uses proposed under this Chapter.

(c) The developer shall identify all subsequent phases of a project at

the time of submission of the initial phase.

(3) *Phased Projects*. In the event that a project is to be phased over a period of time, not exceeding 10 years, the total traffic impact for the entire period of phasing shall be used in determining the traffic impact.

(4) *Requirements for Projects Having a Major Traffic Impact*. All projects which are determined to have a major traffic impact shall comply with the following:

(a) Compliance with the site plan review procedures set forth in §27-508.

(b) All such projects shall have direct access to a major street or to a collector street as defined herein. In lieu of such access, the developer shall provide a project road from the project site to the closest existing collector or major street, which is capable of handling the level of traffic to be generated and which is proposed for development by the developer to collector or major street standards.

(5) *Major Traffic Impact Study*. A major traffic impact study shall include at least the following:

(a) The applicant for all projects which have an estimated ADT exceeding 1,000 vehicles per day shall be required to submit a traffic impact study prepared by a competent authority, as defined herein. The requirements for such a study are set forth below.

(b) Identification of all major roads and intersections serving and substantially impacted by the project.

(c) An analysis of how the proposed project users or residents will use these major roads.

(d) Existing traffic conditions (without the proposed project) including traffic volumes (ADT) and peak hour volumes on the identified major roads, based on PennDOT information, surveys and trip generation rates. (In addition, commercial projects shall provide weekend traffic volume data at peak hours.)

(e) Projected traffic conditions (without the project) based on trends in growth of traffic for ADT and peak hour volumes. (In addition, commercial projects shall provide weekend traffic volume data at peak hours.)

(f) Estimates of traffic volumes (ADT) weekday peak hour volumes and weekend peak hour volumes after development of all stages of the project.

(g) Highway and intersection traffic capacities and levels of service for clauses (c), (d), and (e) above, as defined by the Pennsylvania Department of Transportation must be calculated.

(h) Identification of existing and projected traffic problems on roads serving the project or substantially impacted by the project, including highway capacity deficiencies for the various roads and intersections involved.

(i) Solutions proposed by the developer to alleviate the identified problems and deficiencies and the proposed cost of these improvements.

(j) Identification and analysis of high accident areas located in proximity to the project, as identified by the Township and the effect which the proposed project will have on the high accident areas and locations.

(k) The “competent authority” responsible for preparing the major traffic impact study shall certify to the following:

1) That in the preparation of the study that the applicable comprehensive plan and any pertinent Township or other traffic or transportation plan or study, as identified by the Township, has been considered in the preparation of the major impact study.

2) That in the professional opinion of the competent authority the completed major traffic impact study is a true and accurate study which has given adequate consideration to available information and includes reasonable projections and analysis to the factors considered and that the study represents the best opinion of the competent authority on the traffic impact of the proposed development.

3) That, if it has not been possible to fully analyze all relevant factors, then those factors not analyzed shall be identified, together with the reasons for their exclusion from the study.

The major traffic impact study shall be reviewed by the Planning Commission and the Supervisors in accordance with the conditional use procedures established herein. The Planning Commission and the Supervisors may request additional data or information to clarify the findings set forth in said Study. The Supervisors shall not approve any such conditional use if it determines that any traffic problem to be created by the proposed development cannot be adequately alleviated by the developer.

(l) The applicant or developer, as determined by the Township, will be responsible for the guarantee of payment for the proportionate share of all traffic control devices or for the construction of public facilities applicable to the proposed development, which are required as a result of the traffic impact generated by the proposed development project. Such a guarantee of payment shall be in the form of “financial security” for the construction and maintenance of required improvements as set forth in §§22-702 and 22-703 of the Township Subdivision and Land Development Ordinance [Chapter 22].

**Schedule 27-I
Regulations Governing the Use of Land**

Use Class	Zoning Districts					
	OSC	A-R	V-R	R-1	R-2	R-C
Permitted Uses (a)						
Open space uses	X	X				
Agriculture and forestry [Ord. 41]	X	X	X (d)	X (d)	X (d)	X (d)
Single-family residential	X	X	X	X	X	X
Two-family residential				X		X
Multi-family residential [Ord. 37]					X	X
Family care residential		X		X		X
Limited commercial						X
Customary accessory uses	X	X	X	X	X	X
Special Exceptions (b)						
Animal husbandry	X	X				
Group care and related residential uses		X		X		X
Mobile home parks		X				
Appropriate public uses and essential services	X	X	X	X	X	X
Conditional Uses (c)						
Special commercial and industrial						X
Natural resource and extractive uses		X				
Wind farms [Ord. 37]	X					

Note: "X" indicates that the use class is permitted. See §27-403 for a description of the uses included in each use class and for an explanation of the conditions under which they are permitted in each district.

(a) Uses which require no special action by the Zoning Hearing Board or the Planning Commission, except where "site plan review" may be required, or where the requirements of this Section apply.

(b) Uses which require "site plan review" and which must be referred to the Zoning Hearing Board and the Planning Commission.

(c) Uses which require "site plan review" and which must be referred to the Township Supervisors and the Planning Commission.

(d) Used limited to "forestry" as defined in §27-201. [Ord. 41]

**Schedule 27-II
For Permitted Uses Only Basic Regulations Governing the Size of
Lots, Yards, and Buildings for Permitted Uses Only**

Type of Regulation	Zoning Districts					
	OSC	A-R	V-R	R-1	R-2	R-C
Minimum tract size for agriculture (acres)	10	10	n/a	n/a	n/a	n/a
Applicable to Preexisting Lots and New Lots Exempt from Part 7 - Conservation Subdivision Design Development (See §27-703.3)						
Minimum lot size (nonagricultural)						
Area (sf)	217,800	130,680	87,120	87,120	10,150	87,120
Width (ft)	200	200	200	150	75	150
Depth (ft)	500	300	250	200	140	200
Minimum yards (ft)						
Front yard	50	50	65	50	30	50
Rear yard	50	50	50	50	25	50
One side yard	25	25	25	15	15	15
Both side yards combined	60	60	35	35	30	35
Maximum lot coverage	5%	15%	20%	20%	35%	25%
Maximum building height for the principal building						
No. of stories	3.0	3.0	3.0	3.0	3.0	3.0
Height in feet	35	35	35	35	35	35

Notes:

- (1) This schedule does not apply to special exceptions and conditional uses unless otherwise noted. See §§27-403.3 and 27-403.4 for regulations governing such special exceptions and conditional uses.
- (2) See Part 5 for additional supplementary regulations governing variations from required areas, unique lots and building locations, accessory uses and structures, nonconforming uses and structures, off-street parking and loading, signs, temporary uses, site plan review, miscellaneous provisions and flood prone areas.
- (3) n/a equals not applicable.
- (4) Minimum lot areas have been established based on the nature of the type and location of land uses permitted in each district and on the condition of soils, topographic conditions and restrictive access available, and on the presence of other environmental factors in each district.
- (5) See §27-509.9 for multi-family dwellings. [Ord. 37]

[Ord. 41]

**Schedule 27-III
Trip Generation Rates Average Daily Traffic (ADT)**

Land Use	Trip Generation Average Trip Rate
Residential	
Single-family	10.0/dwelling unit
Low rise residential structures (2 or more DU's /structures)	7.5/dwelling unit
Condominium units	5.2/dwelling unit
Mobile homes	4.8/dwelling unit
Retirement, senior citizen developments	3.3/dwelling unit
Timesharing	add 50% to above rates
Lodging (all types)	10.5 per room
Recreation	
Open space uses (includes golf courses)	6.9/acre
Outdoor recreation (limited to Township and local residents)	6.0/acre
Resort outdoor recreation (no spectator events or places for public assembly)	10.0/acre
Commercial indoor recreation	11.2/G.S.F.D.A
Outdoor sports and recreation (including large scale places for public assembly)	100 to 250/acre
Medical	
Hospital	11.4/bed
Nursing home	2.6/bed
Outpatient office or clinic	54.6/1,000 G.S.F.B.A.
General Office Building	
Under 25,000 sf	23.0/1,000 G.S.F.B.A.
25,000–49,999 sf	19.0/1,000 G.S.F.B.A.
50,000–99,999 sf	16.5/1,000 G.S.F.B.A.
100,000–599,999 sf	13.0/1,000 G.S.F.B.A.
600,000 sf and over	11.0/1,000 G.S.F.B.A.
Commercial Shopping	
Small specialty retail center	40.7/1,000 G.S.F.B.A.
Convenience Market	
Open less than 16 hours daily	322.5/1,000 G.S.F.B.A.
Open 16-24 hours daily	625.2/1,000 G.S.F.B.A.

Land Use	Trip Generation Average Trip Rate
Shopping Center	
Under 50,000 sf	117.9/1,000 G.S.F.L.A.
50,000–99,999 sf	82.0/1,000 G.S.F.L.A.
100,000–199,000 sf	66.7/1,000 G.S.F.L.A.
200,000–299,999 sf	50.6/1,000 G.S.F.L.A.
300,000–399,999 sf	41.9/1,000 G.S.F.L.A.
400,000 sf and over	37.2/1,000 G.S.F.L.A.
Discount store	70.1/1,000 G.S.F.L.A.
Supermarket	125.5/1,000 G.S.F.B.A.
Wholesale Market	6.73/1,000 G.S.F.B.A.
Furniture store	0.70/1,000 G.S.F.B.A.
Hardware/paint store	51.3/1,000 G.S.F.B.A.
New car sales	47.5/1,000 G.S.F.B.A.
Restaurants	
Low turnover (over 1 hour seating)	74.9/1,000 G.S.F.B.A.
High turnover (less than 1 hour seating)	154.4/1,000 G.S.F.B.A.
Primarily drive-in	553.0/1,000 G.S.F.B.A.
Services	
Bank (walk-in)	169.0/1,000 G.S.F.B.A.
Bank (drive-in)	192.0/1,000 G.S.F.B.A.
S&L (walk-in)	61.0/1,000 G.S.F.B.A.
S&L (drive-in)	74.0/1,000 G.S.F.B.A.
Auto service station	133.0/gas pump
Industrial	
Industrial and manufacturing	5.43/1,000 G.S.F.B.A.
Warehousing, general	4.88/1,000 G.S.F.B.A.
Research center (whichever is greater)	2.4/employee 5.3/1,000 G.S.F.B.A.
Truck terminal	9.86/1,000 G.S.F.B.A.
Storage (personal) warehouse	2.8/1,000 G.S.F.B.A.
Source: Adapted from "Trip Generation, an Informational Report" published by the Institute of Transportation Engineers, Third Edition - 1982.	
Note: "G.S.F.L.A." equals "Gross Square Feet of Land Area." "G.S.F.B.A." equals "Gross Square Feet of Building Area."	

(Ord. 27, 7/19/1995, §4.200; as amended by Ord. 37, 3/10/2005, Items 3, 5 and 18; and

by *Ord. 41*, 11/10/2011)

§27-403. Use Classes in Zoning Districts.

1. *Use Classes.*

A. The following “use classes” are hereby established as shown in Schedule 27-I. Where required, individual uses shall be subject to “site plan review” in accordance with the requirements of this Part and §27-508.

B. Where a use is proposed which is not specifically listed in any specific use class or in §27-509.7, then the Zoning Hearing Board shall determine the use class subcategory (as defined herein) which is most similar to the proposed use and said proposed use shall be subject to all of the requirements of said use class subcategory.

C. All such uses shall be subject to the other applicable provisions of this Chapter including, but not limited to, the provisions of Part 5 for accessory uses, nonconforming uses, off-street parking and loading, signs, temporary uses, site plan review, screening, and other requirements.

D. The specific uses included in each use class are outlined below.

2. *Permitted Uses.* Uses listed as “permitted uses” in Schedule 27-I shall require no special action by the Zoning Hearing Board, the Planning Commission, or the Supervisors before a zoning permit is issued by the Zoning Officer, except where such uses are otherwise classified as “special exception” or “conditional uses” in accordance with §27-402 or with other applicable Sections of this Chapter.

A. *Use Class 1–Open Spaces Uses.* Includes the following uses:

(1) State game, forest, and park lands, including uses customarily accessory to such State lands.

(2) Includes logging and forestry uses consisting of tree farming and harvesting of trees grown on the site.

(3) Includes outdoor recreation uses, wildlife sanctuary, nature center, outdoor nature education, woodland preserve, or arboretum.

(4) Game farms, hunting and fishing preserves, or similar uses designed for the protection or propagation of wildlife.

(5) Includes seasonal homes, campgrounds, and campsites, as defined herein, and similar uses which are regulated by the State or by local ordinances and which are served with public or private sewer and water facilities approved by Pennsylvania DEP and by the Township. [*Ord. 41*]

B. *Use Class 2–Agriculture and Forestry.* Includes the following uses carried out primarily for commercial purposes:

(1) Crop farming as defined herein.

(2) Tilling of the soil and processing and sale of farm products primarily produced on the site.

(3) Nurseries, greenhouses, and related horticultural uses.

(4) Logging and forestry operations limited to trees grown on the site.

(5) Dwelling or farmstead, as defined herein, for the use of the farm

owner or operator and other farm buildings customarily required for the operation of permitted agricultural uses.

(6) Bed and breakfast establishment, as defined in Part 2.

C. *Use Class 3–Single-Family Residential.* Includes single-family detached dwellings.

D. *Use Class 4–Two-Family Residential.* Includes single-family semi-detached residential and two-family detached dwelling structures.

E. *Use Class 4.1–Multi-family Residential*–includes multi-family dwelling structures. [Ord. 37]

F. *Use Class 5–Family Care Residential.* “Family care facilities,” as defined herein, which provide resident service in a private residence to six or fewer individuals which are not related to the resident household.

G. *Use Class 6–Limited Commercial.*

(1) Includes the following local commercial uses, carried out in a completely enclosed building, not exceeding 6,500 square feet in area, except for off-street parking and loading facilities as required herein, which are designed to primarily serve the Township.

(2) Such uses may include commercial sales and service establishments of the following types and similar uses, except for drive-in establishments, which are normally incidental to the daily requirements of domestic living in a rural or a suburban community such as:

(a) Retail trade establishments, including sale of general merchandise, food, gifts, apparel and clothing accessories, garden supplies, artist and hobby supplies, drug, package liquor, florist and jewelry stores, appliances, hardware, building supplies, lumber, household goods, and eating and drinking establishments.

(b) Personal and household service establishments including laundering, dry cleaning, photography, video and computer services, beauty and barber shops, apparel and shoe repair, alterations and cleaning services, repair of household appliances, pickup services, and related accessory facilities.

(c) Professional services and offices, including medical, legal, financial, insurance, real estate services, accounting, and other professional services.

(d) Business services and offices including advertising, duplicating, mailing, stenographic, employment, building and home repair, consumer credit, collection, contract construction, and other business services.

(e) Hotels and motels, bed and breakfast inns, any other similar lodging accommodations.

(f) Hospitals. [Ord. 37]

H. *Use Class 7–Customary Accessory Uses.*

(1) Includes the following uses customarily accessory to the principal use of a lot:

(2) Uses which are customarily subordinate to the principal use of a lot

or a building located on the same lot, and which serve a purpose customarily incident to the use of the principal building or lot within any district. Such uses as they may be further regulated in Part 5 herein, include:

(a) Home occupations, as regulated in §27-503.2.

(b) Home gardening and non-commercial crop farming, nurseries, and greenhouses.

(c) Private garages or parking areas, off-street parking and loading.

(d) Signs.

(e) Temporary tract offices, unoccupied accessory travel trailers.

(f) Keeping of domestic pets, not exceeding three for any single dwelling unit, but excluding the breeding or boarding of pets for commercial purposes.

(g) *Private Stables.*

1) *Parcel Size.* A minimum parcel of 3 acres shall be required.

2) *Number of Horses.* The number of horses permitted shall not exceed one horse for the first 3 acres and one horse per every full 1 acre of land thereafter.

3) *Building Size.* The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.

4) *Fences.* All horses shall be restricted from grazing or intruding on an adjoining property by adequate fences or other means. Any such fence shall not be less than 50 feet from any existing principal residential or commercial building not located on the stable premises.

5) *Parking.* Adequate off-street parking shall be provided pursuant to this Chapter.

6) *Stable/Corral Setbacks.* Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals, or manure storage shall meet the setbacks on the following Table.

7) *Existing Structures.* On parcels meeting the minimum parcel size requirement, the use of an existing structure for housing of horses that does not meet the required setbacks on the following Table, may be permitted provided the applicant can document that no nuisances will be created due to noise, odor or other factors; and, the Township can establish adequate conditions to ensure the same. [Ord. 41]

8) *Nuisances; Manure Management.* The operation of the stable shall not create any nuisance due to odor, noise, dust or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.

9) *Uses Permitted.* The following types of uses shall be permitted as part of the operation:

a) Breeding, raising, keeping and sale of horses, and necessary buildings and structures.

b) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with the following Table:

Lot Size and Setbacks for Private Stables					
Type of Use	Minimum Lot Size (acres)	Land Requirements for Horses	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Private stables in all districts	3	3 acres for first horse plus 1 full acre per each additional horse	75	75	150
* Applies to any public or private road right-of-way.					
** Applies to any existing principal residential or commercial building not located on the stable premises.					

[Ord. 37]

(h) Other buildings and uses customarily appurtenant to other permitted, special exception or conditional principal uses which comply with minimum yard, area, and other requirements of this Chapter.

(i) Forestry. [Ord. 37]

3. *Special Exception Uses.*

A. *General.*

(1) Uses listed as “special exception uses” in Schedule 27-I shall require individual consideration in each case because of their unique characteristics. Such special exception uses shall be referred to the Planning Commission by the Board for review and recommendation and such uses may be permitted only upon authorization by the Board subject to certain conditions and safeguards, as provided in this Section and after a hearing.

(2) All special exception uses shall conform with the requirements of §27-402 and with other applicable Sections of this Chapter.

(3) Such special exception uses which are authorized by the Board shall be subject to any additional conditions and safeguards established by the Board in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes and statement of community objectives of this Chapter.

(4) A special exception use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and any required or permitted signs shall be compatible with adjoining development and such special

exception uses and shall not jeopardize the public health, safety, welfare, and convenience.

(5) Such special exception uses shall be appropriate to the character of the district and neighborhood in which they are proposed and with the presence of other conforming uses located in the area and also with the area which the uses will serve.

(6) Applicants for special exception uses shall comply with the site plan review procedures set forth in §27-508.

(7) The following specific criteria and regulations shall apply to special exception uses which are authorized by the Board.

B. *Use Class 8–Animal Husbandry*. Includes the following use carried out primarily for commercial purposes:

(1) Raising and keeping of livestock and poultry in appropriate properly fenced locations and related structures consistent with proper health and sanitary practices required to assure the health of all animals, adequate disposal of all animal wastes, protection of the public health and the avoidance of nuisances, odors for nearby residential uses.

(2) All animals shall be located on a lot or tract which has a minimum area of 10 acres and all animals shall not be closer than 100 feet to any side or rear lot line, and 50 feet from any front lot line and animals shall not be closer than 100 feet from any residential structure or dwelling.

(3) Processing of animal products on the site shall be limited to animals primarily produced on the premises.

(4) The Lackawanna County Conservation District, the State Agricultural Extension Office, and other appropriate agencies may be called upon to provide technical advice and recommendations relative to such activities and facilities.

(5) *Kennels*. In addition to all other applicable standards, kennels shall be subject to the following:

(a) *Parcel Size*. A minimum parcel of 5 acres shall be required.

(b) *Setbacks*. Any structure, outdoor kennels, or animal exercise areas used for the keeping of dogs shall meet the setbacks on the following Table.

(c) *Parking*. Adequate off-street parking shall be provided pursuant to this Chapter with one space for each nonresident employee and one space per four dogs kept on the premises.

(d) *Noise Barrier*. A noise barrier consisting of a solid fence not less than 6 feet in height or a dense vegetative planting of not less than 6 feet in height shall be provided at a distance not to exceed 15 feet and fully encircling all kennel areas or animal exercise areas not enclosed in a building.

(e) *Hours Outdoors*. All animals shall be restricted from using kennel areas not fully enclosed in a building from dusk to 8 a.m.

(f) *Wastes*. All waste materials generated on the premises shall be disposed of at a Pennsylvania DEP-approved facility, and a detailed plan

for the same shall be included with the zoning application. In any case, all animal wastes shall be stored in watertight containers in an area meeting the setbacks in clause (b) above until proper disposal and proof of such disposal shall be provided to the Township.

(g) *Nuisances*. The kennel shall not create any nuisance due to odor, noise, dust, or other factor on any neighboring property.

[Ord. 37]

(6) *Stables, Boarding, Commercial, and Horses for Hire*. In addition to all other applicable standards, commercial stables shall be subject to the following:

(a) *Parcel Size*. A minimum parcel of 10 acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other applicable standards are met.

(b) *Number of Horses*. The number of horses permitted shall not exceed one horse per every 1 acre of land.

(c) *Building Size*. The building used to house the horses shall meet the most current Society for the Prevention of Cruelty to Animals standards.

(d) *Fences*. All horses shall be restricted from grazing or intruding on an adjoining property by fences or other means. Any such fence shall not be less than 50 feet from any existing principal residential or commercial building not located on the stable premises.

(e) *Parking*. Adequate off-street parking shall be provided pursuant to this Chapter with one space provided for each nonresident employee and one space per two horses kept on the premises.

(f) *Stable/Corral Setbacks*. Any stable building or corral or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or manure storage shall meet the setbacks on the following Table.

(g) *Nuisances; Manure Management*. The operation of the stable shall not create any nuisance due to odor, noise, dust, or other factor on any neighboring property, and the applicant shall provide a plan for soil erosion and sedimentation control and manure management for approval by the Township.

(h) *Uses Permitted*. The following types of uses shall be permitted as part of the horse farm operation:

- 1) Breeding, raising, keeping, and sale of horses, and necessary buildings and structures.
- 2) Training of horses, and necessary buildings and structures, including facilities for training only, which are set back in accord with the following Table.
- 3) Boarding of horses, and necessary buildings and structures.
- 4) The hire of horses for riding or other use by persons other than the owners of the horses or the owners' guests.

5) Sale of horses other than the horses raised or boarded on the premises.

Lot Size and Setbacks for Kennels and Commercial Stables					
Type of Use	Minimum Lot Size (acres)	Land Requirements for Horses	Property Line Setback (ft)	Road* Setback (ft)	Existing Building** Setback (ft)
Commercial stables/horses for hire	10	1 acre per horse	100	75	150
Kennels	5	not applicable	100	100	200
* Applies to any public or private road right-of-way.					
** Applies to any existing principal residential or commercial building not located on the project premises.					

[Ord. 37]

(7) *Zoos, Menageries, and Wild and Exotic Animals.* No individual other than a registered veterinarian in the course of his professional duties, or a licensed falconer who keeps and maintains only his own birds, is permitted to maintain, keep, or possess within the Township any wild or exotic animal except in an approved menagerie or zoo. Menageries and zoos shall, in addition to all other applicable requirements of this Chapter, comply with the following requirements:

- (a) A minimum parcel size of 10 acres shall be required.
- (b) All animals and animal quarters shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- (c) The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any means.
- (d) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented, or annoyed.
- (e) The permit holder shall maintain the premises so as to eliminate offense odors or excessive noise.
- (f) The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
- (g) Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.
- (h) The operation shall conform to all applicable local, State, and Federal laws and regulations.
- (i) Any building, corral, or other indoor or outdoor area used for feeding of animals, concentrated confinement of animals or animal waste

storage shall not be located within 125 feet of any adjoining property line and 100 feet from any public or private road right-of-way.

(j) The applicant shall provide for adequate disposal of all waste materials generated on the premises, and a detailed plan for the same shall be included with the zoning application. [Ord. 41]

[Ord. 37]

C. *Use Class 9–Group Care and Related Residential Uses.* Includes group care facilities as defined herein, and related residential uses such as rooming houses, nursing homes, and dormitories as defined herein, nurseries for the care of young children and adults, nonprofit social halls, clubs and lodges, and funeral homes. Such uses shall comply with the following:

(1) Except for a sign as further regulated in §27-506, there shall be no external evidence of any gainful activity for such uses which are located in a residential zone.

(2) Any such use shall have sufficient parking to serve the anticipated number of users and employees as specified in §27-505, and shall have suitable street access without causing excessive traffic on local residential streets.

(3) All such uses shall conform to the minimum lot size, minimum yards, maximum building height, and maximum lot coverage regulations specified in Schedule 27-II for single-family uses in the district in which they are proposed. [Ord. 41]

(4) All such uses must be fully registered with and licensed by the Township and with any other applicable local, State, or Federal agencies, and information shall be provided on their operation, availability of professional personnel, physical facilities, and other characteristics.

(5) Treatment centers/clinics. [Ord. 37]

D. *Use Class 10–Mobile Home Parks.*

(1) Includes the coordinated development, under single ownership, which is planned and will be improved for the placement of mobile homes occupied for dwelling purposes.

(2) Such mobile home parks may only be located in the section of A-R Zone, which is located south of Sand Spring Run and they shall be developed on a minimum tract size of 10 acres and shall conform with the following:

(a) All applicable mobile home park provisions of the Township Subdivision and Land Development Ordinance [Chapter 22].

(b) All requirements of the Pennsylvania Department of Environmental Protection and other applicable agencies shall be met.

(c) All mobile home parks shall be served with private water and sewer facilities, approved by Pennsylvania DEP.

(d) The total number of lots in any mobile home park shall not exceed a density of two lots per acre of adjusted tract acreage. Density shall be calculated by calculating the adjusted tract acreage in accord with the requirements for residential conservation design in §27-706.4 and dividing by 2 lots per acre.

(e) Twenty percent of the site shall be set aside in permanent open space and one-half of that amount shall be usable recreation area.

(f) Minimum tract road frontage width shall be 300 feet.

[Ord. 41]

E. *Use Class 11–Appropriate Public Uses and Essential Services.*

(1) Includes the following appropriate public uses and essential services provided by public utilities:

(a) *Appropriate Public Uses.* Includes public and quasi-public uses of a welfare, educational, religious, historic, recreation, governmental and cultural nature, and associated accessory uses; radio, television and telephone transmission or receiving towers; essential public utilities that require enclosure within a building; and commercial communication devices. (See §27-509.8.) [Ord. 37]

(b) Essential services for public utilities as defined in Part 2 which conform to the height regulations of the zoning district in which they are proposed.

(2) All proposals for such new public uses and essential services, or for additions or changes to such existing uses, shall be submitted to the Zoning Hearing Board, together with required plans, to provide the Board with sufficient information to determine compliance with the special exception provisions of this Chapter.

(3) An appropriate public use or essential service permitted by the Zoning Hearing Board as a special exception shall be appropriate to the character of the district and the neighborhood in which it is proposed and also with the presence of other conforming uses located in the area and also with the general area which the use will serve.

(4) Such appropriate public uses and essential services shall have adequate access, shall provide off-street parking and loading as specified in §27-505, shall provide necessary landscaping and screening to protect adjoining areas, as required in §27-509 and shall have lot areas, yards, and lot coverage consistent with the character of the neighborhood and the district requirements in which they are proposed. [Ord. 41]

4. *Conditional Uses.*

A. *General.*

(1) Uses listed as “conditional uses” in Schedule 27-I shall require individual consideration in each case because of their unique characteristics. Such conditional uses shall be referred to the Planning Commission for the Commission’s review and recommendation. The Commission may hold a public hearing to receive public comment prior to completing their review and recommendation to the Supervisors and such uses may be permitted only upon authorization by the Supervisors after a public hearing, subject to certain conditions and safeguards as provided in this Section.

(2) All conditional uses shall conform with the requirements of §27-402 and with other applicable Sections of this Chapter.

(3) Such conditional uses which are authorized by the Supervisors shall be subject to any additional conditions and safeguards established by the Supervisors in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes and statement of community objectives of this Chapter.

(4) A conditional use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and any required or permitted signs shall be compatible with adjoining development and such conditional uses and shall not jeopardize the public health, safety, welfare, and convenience.

(5) Such conditional uses shall be appropriate to the character of the district and neighborhood in which they are proposed and with the presence of other conforming uses located in the area and also with the area which the uses will serve.

(6) Applicants for conditional uses shall submit plot plans in sufficient detail to provide the Supervisors and the Planning Commission with enough information to properly evaluate the proposed planned use and shall comply with the site plan review requirements of §27-508.

(7) The following regulations shall apply to conditional uses which are authorized by the Supervisors.

B. *Use Class 12–Special Commercial and Industrial.* Includes the following conditional commercial and industrial uses as set forth below:

(1) *Special Commercial Uses.*

(a) Includes all permitted commercial uses which are set forth in subsection .2.G, “Use Class 6–Limited Commercial,” except that they shall not be limited in size to 6,500 square feet, and they may provide limited outdoor display or storage areas, which do not use more outdoor land area than 25 percent of the total floor area of the building. Such outdoor areas shall not be located closer than 25 feet to any front, side or rear property line.

(b) Such special commercial conditional uses may also include drive-in facilities for any of the uses listed under uses listed above and, in addition, may include automobile and truck sales, auto service stations, vehicular repair garages, community garage, and off-street parking lots which are developed as a principal use and which are not accessory to other commercial establishments, and commercial entertainment and recreational facilities such as a theater, auditorium, bowling alley, exercise spa and gym; provided, that all such uses do not detract from the residential character of any surrounding residential neighborhood or create excessive traffic or noise which will adversely affect residential areas.

(c) Any legal adult-oriented use consisting of commercial establishments such as adult book or video stores or adult picture theaters and similar uses, or the conduct of live activities or uses, where 20 percent or more of the services, activities or stock-in-trade of such establishments includes adult oriented uses or activities as defined herein, and whose activities are not illegal or prohibited as set forth in §27-509.7. Such uses must be located at least 1,000 feet apart and not located closer than 1,000 feet from any public school, church, kindergarten, day care center, residential zoning district or residential area, public park or playground, or other area where children congregate. [Ord. 37]

(d) All such uses shall be developed in accordance with the minimum lot size, minimum yards, maximum building height and maximum lot coverage provisions set forth in Schedule 27-II for the zoning district in which the proposed use is to be located. [Ord. 41]

(2) *Special Industrial Uses.*

(a) Includes industrial uses, which consist of the manufacture, fabrication, processing, assembly, repair, testing, packing, and storage of products made from previously prepared materials, research facilities and laboratories, all of which do not require indoor or outdoor storage facilities exceeding 25 percent of the total floor space of the proposed establishment.

(b) Office buildings or space required to support the above uses.

(c) Solid waste disposal facilities which are limited to transfer stations and/or salvage and recycling facilities, compost areas, and other related facilities which conform to the applicable solid waste management plan approved by the County, the Township, and Pennsylvania DEP. [Ord. 41]

(d) Sawmills. [Ord. 37]

(3) *Other Requirements for Special Commercial and Industrial Uses.*

(a) All of the above special commercial and industrial uses shall comply with the other requirements set forth in Schedule 27-II for the zoning district in which the proposed use is to be located.

(b) All such proposed uses shall be designed to protect adjacent properties and adjoining streets from adverse or objectionable influences and shall be further subject to provision of adequate buffers and to the “screening requirements” of §27-509.1, as determined by the Supervisors or the Zoning Hearing Board after recommendation from the Planning Commission as the case may be.

(c) The Supervisors or the Zoning Hearing Board may require the applicant for such uses to demonstrate that a suitable market exists for the proposed development, such a study to be conducted by a competent professional organization.

(d) All such facilities shall be further subject to all required approvals from applicable regulatory agencies including, but not limited to, the Pennsylvania DEP and the County Conservation District. [Ord. 41]

C. *Use Class 13–Natural Resource and Extractive Uses.*

(1) Includes the recovery and utilization of natural resources on or under the land or water bodies, including quarry and noncoal mining operations, removal of gravel, sand and topsoil, and extensive grading operations. All such operations shall be subject to the special provisions set forth in §27-507.2.

(2) Prior to consideration of any such uses by the Supervisors, the applicant shall submit the following information for review:

(a) Plan of the entire tract from which such natural resources are to be removed or where such operations shall take place, including:

1) Topography, at suitable contour intervals and other special site and geologic features to clearly depict the existing character and nature of the proposed site.

2) Location and description of proposed activities and exact area to be affected.

3) Effect on major roads or other uses immediately adjoining the area.

4) Effect on soils, geology, wetland areas, groundwater, and vegetation.

5) Effect on wildlife species and historic artifacts.

6) Other applicable effects, as required by the Supervisors.

(b) Proposed method for removal of natural resources, including manpower, machinery and water to be used, noise levels and proposed schedule for start and completion of activities, and proposals for addressing special problems.

(c) Proposed reclamation plan indicating in detail the manner in which the site will be reclaimed, including final grading contours of the site and the use to which land will be put after the operation is completed.

(d) Copy of any required applications for permits submitted to State or Federal agencies, with any review comments received.

(e) Certification from a professional engineer or expert in the field stating that the proposal is consistent with up-to-date technology in the field and that adequate procedures have been established to protect the public health and safety of the Township and of nearby residential areas.

(f) All such operations shall be subject to the applicable performance, environmental, and traffic requirements of §27-402 and special plans or information may be required and submitted to assure conformance with these requirements.

(3) The Supervisors shall hold a public hearing on said proposals and shall review all plans submitted and any recommendations provided by the Planning Commission and by any appropriate State or Federal agencies. The Supervisors may retain qualified professional assistance, to assist in the review of the proposal, and may establish special conditions prior to approval of such plans to assure the general welfare, safety, and health of the public. [Ord. 41]

D. *Use Class 14–Wind Farms.* In addition to all other applicable standards in

this Chapter, the following regulations shall apply to wind farms:

(1) *Purposes.*

(a) To accommodate the need for wind farms while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.

(b) To avoid potential damage to adjacent properties from windmill structure failure and falling ice, through engineering and proper siting of such structures.

(2) *Permits; Use Regulations.*

(a) *Permits.* A permit shall be required for every wind farm and windmill installed at any location in the Township.

(b) *Associated Use.* All other uses ancillary to the wind farm (including a business office, maintenance depot, etc., greater than 1,000 square feet) are prohibited from the wind farm, unless otherwise permitted in the district in which the wind 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 wind farm.

(c) *Wind Farm as a Second Principal Use.* A wind farm shall be permitted on a property with an existing use subject to the following land development standards:

1) The minimum lot area, minimum setbacks, and maximum height required by this Chapter for the wind farm and windmills shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density, and other requirements.

2) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

3) The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

(3) *Standards.*

(a) *Wind Farm Height.* The applicant shall demonstrate that the windmills are at the minimum height required to function satisfactorily. No windmill that is taller than this minimum height shall be approved.

(b) *Parcel Size; Setbacks.*

1) *Separate Parcel.* If the parcel on which the wind farm is a separate and distinct parcel, the district minimum lot size shall apply; and, in all cases, the lot shall be of such size that all required setbacks are satisfied. No windmill shall be located closer to any property line than its height plus the normal setback for the district. The setback for equipment containers, other accessory structures, and guy wire

anchors shall be a minimum of 30 feet.

2) *Lease, License, or Easement.* If the land on which the wind farm is leased, or is used by license or easement, the setback for any windmill, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet from the line of lease, license or easement. In any case, no windmill shall be located closer to any property line (not lease, license or easement line) than its height plus the normal setback for the district.

3) *Principal Structures.* No windmill shall be located less than 500 feet from any principal residential structure existing prior to the erection of the windmill.

(c) *Wind Farm Support Structure Safety.* The applicant shall demonstrate that the proposed windmills are safe and the surrounding areas will not be negatively affected by structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All windmills shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed wind farm and support structure will be designed and constructed in accord with accepted engineering practices and all requirements of any applicable construction code. Within 45 days of initial operation, the owner and/or operator of the wind farm shall provide a certification from a Pennsylvania registered professional engineer that the wind farm and all structures comply with all applicable regulations.

(d) *Fencing.* A fence may be required around windmills and other equipment, unless the design of the structures adequately provides for safety.

(e) *Landscaping.* Landscaping may be required to screen as much of the wind farm ground features as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the wind 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 they achieve the same degree of screening as the required landscaping.

(f) *Licenses; Other Regulations; Insurance.* The applicant shall 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 also submit the name, address, and emergency telephone number for the operator of the wind farm, and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the wind farm.

(g) *Access; Required Parking.* Access to the wind farm shall be

provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all-weather surface for its entire length. If the wind 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 be equal to the number of people on the largest shift.

(h) *Color and Lighting; FAA and PennDOT Notice.* Windmills shall comply with all applicable Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation regulations. No windmill may be artificially lighted, except as required by FAA requirements. The applicant shall provide a copy of the response to notice of proposed construction or alteration forms submitted to the FAA and PennDOT Bureau of Aviation.

(i) *Communications Interference.* The applicant shall document that the radio, television, telephone, or reception of similar signals for nearby properties will not be disturbed or diminished; and, this may be accomplished by remedial measures instituted by the wind farm developer.

(j) *Historic Structures.* A wind farm shall not be located within 500 feet of any structure listed on a historic register.

(k) *Discontinued Use.* If any wind farm or windmill ceases to be used, the owner or operator or then owner of the land on which the wind farm or windmill is located shall be required to remove the same within 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. In addition, at the time of zoning permit issuance for any windmill, the Township shall require a financial guarantee, in a term, form, and amount determined by the Supervisors with the advice of the Solicitor, to guarantee the removal of the wind farm or windmill.

(l) *Site Plan.* A full site plan shall be required for all wind farm sites, showing the wind farm, windmills, building, fencing, buffering, access, and all other items required by this Chapter.

[Ord. 37]

(Ord. 27, 7/19/1995, §4.300; as amended by Ord. 37, 3/10/2005, Items 2, 4, 6–10, 14–16, 18, and 19; and by Ord. 41, 11/10/2011)

Part 5**Supplementary Regulations****§27-501. Permitted Variations from Required Areas.**

The minimum lot, yard, and height requirements of Part 4 shall prevail in all cases, except as follows:

A. *Existing Nonconforming Lots.* In any district where a vacant nonconforming lot exists as a separate entity at the time of passage of this Chapter, and where the owner of the nonconforming lot does not own an adjoining lot, then the following development is permitted:

(1) If the vacant nonconforming lot is located in a zoning district in which a single-family dwelling is listed as a permitted use, then a single-family dwelling, including any permitted accessory use, may be constructed on it as a permitted use subject to the requirements shown on Schedule 27-IV following this page, except that the minimum distance between principal structures on the same lot or on adjoining lots shall not be less than 20 feet.

Accessory structures which are not attached to the principal structure may be built up to 10 feet to any side lot line or not less than 15 feet from the rear lot line provided that such accessory structures are not located closer than 10 feet from any principal structure.

(2) If the lot is located in the R-C Nonresidential Zoning District, then a commercial structure, which complies with the use requirements of Use Class 6, not exceeding two stories in height may be constructed on it. The requirements of Schedule 27-IV for the R-C District shall also apply to said commercial structure(s), and the off-street parking and loading requirements of this Chapter shall be complied with.

(3) For changes to existing conforming uses located on nonconforming lots, see paragraph .E.

(4) For requirements governing nonconforming uses and structures, see §27-504.

(5) Any such nonconforming lot not served with private, central or public water or sewer facilities shall provide an adequate on-lot or alternate facility which complies with Pennsylvania DEP and Township regulations. [Ord. 41]

**Schedule 27-IV
Permitted Variations for Existing Nonconforming Lots
In Various Zoning Districts**

Requirement	Nonconforming Vacant Lots Located In:				
	A-R	V-R	R-1	R-2	R-C
Minimum Lot Size (sf)					
With central sewer system	40,000	30,000	20,000	10,000	30,000
With on-lot sewage (a)	43,560	43,560	43,560	43,560	43,560
Minimum Lot Width (ft)	100	100	80	75	100
Minimum Yards (ft)					
Front yard	35	35	35	30	35
Rear yard	40	25	25	25	40
One side yard	15	15	10	10	15
Both side yards combined	35	35	25	25	35
Maximum Building Height (ft) (For Principal Building)					
Stories	2.5	2.5	2.5	2.5	2.5
Height (ft)	30	30	30	30	30
Maximum Lot Coverage (%) [Ord. 41]	20%	20%	25%	35%	20%
<p>Notes: See paragraph .A for uses permitted on nonconforming lots. This Schedule applies to vacant nonconforming lots on which a single-family dwelling and related accessory uses may be constructed as a permitted use. For the R-C District shown above, this Schedule shall also apply to any vacant nonconforming lots for which a permitted commercial use is proposed. (a) Lots served with on-lot sewage facilities may have a lot size less than 43,560 sq. ft. (1 acre) subject to the review and approval of the Pennsylvania DEP. [Ord. 41]</p>					

B. Height Limitations.

(1) District height limitations for church spires, cupolas, and domes, monuments, water towers, chimneys, smokestacks, antennas, farm structures, silos, and flag poles may be increased by 10 feet.

(2) Commercial communications devices and support structures shall comply with §27-509.8. [Ord. 37]

C. Front Yard Exception. When an unimproved lot is situated between two improved lots each having a principal building within 25 feet of the side lot line of the unimproved lot, and where the lot is not located on a major State or Federal highway, then the required front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below 25 feet, in all districts.

D. Projections Into Yards. Projections into required yards may be permitted as follows, except that no such projection shall be located closer than 10 feet to any side lot line, or 15 feet to any rear lot line, or 25 feet to any front lot line, except as

may be provided for in paragraph .A for existing nonconforming lots:

(1) Fire escapes, uncovered stairs and landings, canopies, eaves, or other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of 4 feet.

(2) Accessory structures may project into yards as set forth in §27-503.1 and paragraph .A.

(3) Patios may be located in the required yard area, not closer than the following to any property line, except that patios constructed on existing nonconforming lots may line up with and be as wide as the principal structure on the lot:

(a) Side and rear property lines—10 feet.

(b) Front property line—15 feet.

E. *Changes to Conforming Uses and Buildings.* Any conforming use or building may be repaired, maintained, restored, or rebuilt up to the same dimensions existing at the effective date of this Chapter. Any enlargement of a structure, which houses an existing conforming use, on the same lot, must comply in all respects with the regulations of this Chapter.

(Ord. 27, 7/19/1995, §5.100; as amended by Ord. 37, 3/10/2005, Item 11; and by Ord. 41, 11/10/2011)

§27-502. Unique Lots and Building Locations.

1. *Two or More Buildings on a Lot.* Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Chapter which would normally apply to each building if each were on a separate lot.

2. *Through Lots.* Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning Commission shall decide which street will be considered as the front street. No principal structure shall be erected on any portion of a lot which does not have primary access from an improved public street, except as specified in subsections .1 and .3.

3. *Lots Fronting on an Alley.* Individual lots existing at the effective date of this Chapter, fronting on an alley, shall comply with all the requirements of this Chapter and the district in which said lots are located, except that no principal structure shall derive its primary or only access from an alley.

4. *Side Yard of a Corner Lot.* On corner lots which abut a State road, the front yard shall be measured from the State road and the side yard from the intersecting road. In the case of a corner lot which abuts two State roads or two private roads, the front yard shall be measured from one of the frontages and the side yard from the other frontage at the discretion of the lot owner. [Ord. 37]

5. *Obstruction to Vision.* No obstruction to vision, as defined herein, shall be planted, constructed, or maintained in the vicinity of any street intersection or driveway, entrance, or on a corner lot, which creates potential vehicular safety hazards.

6. *Mobile Homes on Individual Lots.* Mobile homes on individual lots not in a mobile home park shall meet the same bulk and density requirements as single-family dwellings. [Ord. 37]

(Ord. 27, 7/19/1995, §5.200; as amended by Ord. 37, 3/10/2005, Items 12 and 13)

§27-503. Accessory Structures and Uses.

1. *Accessory Structures.* All accessory structures, unless otherwise provided for in this Chapter, shall conform with the minimum yard regulations established in Part 4, except for nonconforming lots as set forth in §27-501.A, or as permitted below:

A. *Unattached Structures Accessory to Residential Buildings.* Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than 25 feet or two stories, and may be erected within the required rear and side yards of the lot provided that they conform with the following:

(1) *Distance from Side Lot Line.* Not less than the required side yards set forth in Schedule 27-II of Part 4, except in the case of corner lots where the side yard as specified in §27-502.4 shall be maintained.

(2) *Distance from Rear Lot Line.* Not less than the required rear lot line set forth in Schedule 27-II of Part 4.

(3) *Distance from Principal Structure.* Not less than 10 feet from a principal structure.

B. *Unattached Structures Accessory to Nonresidential Buildings.* Such accessory structures shall comply with front, side, and rear yard requirements for the principal structure.

C. *Variation for Nonconforming Lots.* In lieu of the above requirements, permitted accessory structures located on nonconforming lots shall comply with the requirements of §27-501.A.

D. *Signs.* Signs may be located in required yard areas as set forth in §27-506.

2. *Home Occupations.* A single home occupation per residential dwelling unit may be permitted as either a permitted use or as a special exception use as provided herein:

A. *Permitted Use Home Occupations.* A home occupation shall be considered to be an accessory use to a residential dwelling unit located in all zoning districts. Such accessory home occupations shall be subject to the following requirements: [Ord. 41]

(1) They shall be conducted only by one or more permanent residents of the dwelling and by not more than one nonresident.

(2) They shall be restricted to occupations which do not generate more than four customers, visitors or clientele in any 1 hour.

(3) They shall comply with all other legal requirements.

(4) They shall not detract from the residential character of the neighborhood or exhibit any influences which are detrimental to the health, safety, welfare, or morals of the residents of the neighborhood.

(5) They shall comply with all off-street parking requirements of §27-505.

(6) They shall not exhibit any external characteristics or evidence of their presence, except for a sign not to exceed 2 square feet in area.

(7) They shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, but shall not exceed 35 percent of the

total usable floor area, excluding attics and basement areas.

(8) Such home occupations, subject to the above requirements may include, but are not limited to professional offices, the operation of a photographic studio, the training or tutoring of up to four adults in small classes, nursery school or daycare classes limited to no more than 10 children, custom dress making, millinery, or tailoring, laundering, home-cooking, and the rooming or boarding of not more than two persons.

(9) All such home occupations shall be located within the principal residential structure.

B. *Special Exception Use Home Occupation.* Any resident wishing to operate a home occupation which requires the employment of more than one nonresident person, but not more than two persons, and/or who wishes to locate the home occupation in an approved accessory structure such as a garage, barn or residential storage building may apply for a permit which shall be subject to all of the special exception use procedures of this Chapter. In such cases, the Planning Commission shall review said application to determine the following before making a recommendation to the Zoning Hearing Board:

(1) That the home occupation is in conformity with all of the other applicable provisions set forth in paragraph .A above.

(2) That, beyond a reasonable doubt, the nature of the home occupation and of the traffic and clientele to be generated shall remain relatively stable and shall not grow to a point where it may detract from the residential character of the neighborhood or exhibit any other adverse influences on the neighborhood.

C. *Application for Home Occupation.* All applicants for permits to undertake a home occupation shall submit the following information to the Zoning Officer:

(1) A complete description of the nature and operation of the home occupation.

(2) The type of use, product, or service produced or rendered.

(3) The names of the residents who will operate the home occupation.

(4) The number of additional employees or other nonresident personnel, if any, to be utilized by the home occupation.

(5) The portion of the residential or accessory structure to be devoted for the use of the home occupation.

(6) Any building or structural modifications, signs, or other physical changes required to the interior or the exterior of the structure.

(7) The expected maximum number of customers, visitors, or clientele expected to be served by the home occupation during any one hour and the number of hours and schedule of operations when home occupations shall be open to the public.

(8) A description or plan indicating how compliance will be achieved with off-street parking requirements.

(9) A certification by the applicant that the home occupation shall not detract from the residential character of the neighborhood and that all of the

facts submitted with the application are true and correct and that any incorrect information submitted shall be cause for the Township to require cessation of the home occupation.

(10) A certification and agreement by the applicant that the home occupation will be discontinued if changes occur in the character of the operation so that it no longer complies with the requirements of this Chapter.

3. *Home Gardening, Nurseries, and Greenhouses.* Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas; provided, that they shall not include the outdoor storage of equipment and supplies; and, provided, that such activities shall not constitute a commercial operation except in compliance with the provisions for home occupations set forth above.

4. *Private Outdoor Swimming Pools and Hot Tubs.* A single private outdoor swimming pool or hot tub is permitted as an accessory use to a residential structure; provided, that such swimming pool is for the private use of the residents of the dwelling unit or for their guests as set forth below:

A. *Swimming Pools.*

(1) Such a pool may not be located within the required rear or side yards for the district in which the pool is to be located except that no portion of the body of water in the pool shall be located closer to the property line than 10 feet if located on a nonconforming lot, and no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than 5 feet to any property line.

(2) All pools shall be surrounded and enclosed by a 4-foot high fence or wall structurally suitable to deter direct access to the body of water in the pool. Such a fence or wall shall not have openings, holes, or gaps therein larger than 4 inches in width or, if larger than 4 inches in width, no larger than 4 inches in length except for doors or gates; provided, however, that if a picket fence is erected or maintained the horizontal dimension between pickets shall not exceed 4 inches; provided, further, that a dwelling house or accessory building may be used as a part of such a fence or wall; and, provided further, that existing hedges which effectively screen and deter access to the pool may be used as such enclosure or a part or parts thereof with the written approval of the Zoning Officer. The Zoning Officer may approve such existing hedges, which substantially comply with the above requirements.

(3) All gates or doors opening through such an enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure herein above required need not be so equipped.

(4) Fences shall be constructed of weather-resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes, or gaps.

(5) The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool provided that such sides of the pool are at least 4 feet high and provided

further that any stairs, steps, or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which will prevent their use when the pool is not in operation by the residents of the property or their guests.

(6) Any pool whose body of water is closer than 6 feet to a property line shall be shielded by a 6-foot high privacy fence, hedge, or other suitable visual obstruction where required to insure privacy for the adjoining property as determined by the Zoning Officer. Such a privacy fence may also serve as the fence required to deter direct access to the body of water as required herein if it conforms with the other requirements of this Section.

B. Hot Tubs.

(1) A single noncommercial hot tub may be constructed as an accessory use to serve a residential structure. The water surface area of such a tub shall not exceed 36 square feet or 7 feet in length.

(2) All hot tubs shall be provided with a permanent secure locked cover which shall be kept locked when not in use.

(3) The location of such a hot tub shall be restricted to the rear portion of the yard only and shall not overlap into side, rear, or front yard areas.

(4) Adequate buffering or privacy fences shall be provided to preserve privacy and to prevent visual or noise nuisances or the glare of related lighting for adjoining properties in accordance with the fencing and screening requirements of subsection .5 and §27-509.1.

C. Plumbing Requirements. All plumbing associated with pools and hot tubs shall meet Township code standards and shall consist of a permanent all weather system maintained in good repair.

5. Fences, Walls, and Planting Materials.

A. General Requirements.

(1) Any person, corporation, firm, or association intending to erect a fence shall, before work is commenced, make application to the Zoning Officer as required below and by this Chapter and no work on such a fence shall be commenced before receipt of a permit from the Zoning Officer.

(2) Fences may be either a “natural living fence” or a “fabricated materials fence” as defined in Part 2.

(3) Well-maintained and safe trees, shrubs or hedges, and other appropriate plant material, which do not constitute a natural living fence as defined herein, and which are designed to enhance the livability and attractiveness of any lot may be located in any yard or court, provided that they do not encroach on adjoining properties or uses.

B. Location of Fences.

(1) Fences may be located up to the property line in front, rear or side yards and no closer than 1 foot from any sidewalk or right-of-way which is open for use by the general public.

(2) All fences shall be located completely on the owner’s property and shall not overlap property lines. Fence designs and locations must permit the

fence to be maintained completely from the owner’s side of the property.

C. *Height of Fences.* The height of all fences shall be as set forth in the Table below.

D. *Obstruction to Vision.* No fence shall create an obstruction to vision as defined in Part 2.

Height of Fences

Type of Fence and Location	Maximum Height (ft)(a) Located on Parcels Used Predominantly for:	
	Residential or Open Space Use	Nonresidential
Fabricated Materials Fence - Located In:		
Front yard	3	3
Side yard	6	6
Rear yard	6	6
Natural Living Fence - Located In:		
Front yard	6	8
Side yard	6	8
Rear yard	10	12
Footnote:		
(a) The maximum height of fabricated fences indicated above may be increased as follows:		
1) In the case of a fence enclosing a garden, the height of the fence may be increased to 8 feet, where necessary to keep out deer.		
2) Special situations requiring security, complete prevention of access, control of animals, or the provision of buffers to protect adjoining uses may have a higher fence if approved by the Zoning Hearing Board. The Board shall determine that such additional height is necessary to meet these objectives and also to protect the public safety and general welfare, and shall not adversely affect adjoining properties. In such cases, the Board may require that the fence be set back from the property line to prevent adverse affect on adjoining properties.		
If approved by the Zoning Hearing Board, fences which are 6 feet high or over may also be topped with special restrictive devices where necessary to prevent access and provide security, provided that the Zoning Board shall deem such devices to be safe and substantially free from accidental exposure.		

E. *Removal of Unsafe or Nuisance Fences.* Any fence which obstructs vision as defined herein or which impedes vehicular or pedestrian traffic or which causes a fire hazard, restricts safe access, unduly restricts light or air and/or affects public or traffic safety, or which creates a nuisance as defined under subsection .4 shall be removed. The Zoning Officer shall have the authority to direct the removal of such unsafe or nuisance fences or to direct the trimming or modification of any natural living fence or of any other vegetation so as to eliminate the unsafe or nuisance conditions.

F. *Swimming Pool Fences.* Private outdoor swimming pools shall be protected with a fence as set forth in subsection .4 above.

G. *Fence Materials and Construction.*

(1) All fences shall be designed and constructed to serve as permanent fences which are solidly constructed and which are capable of resisting the effects of weather and which are permanently affixed in place, except as provided below.

(2) The following fences or fencing materials are specifically prohibited:

(a) Razor wire fences.

(b) Barbed wire fence unless specifically reviewed and approved by the Zoning Hearing Board and where the Board determines such fences are safe and substantially free from accident exposure.

(c) Picket or pointed fences which are less than 36 inches in height.

(d) Canvas fences.

(e) Cloth fences.

(f) Temporary fences such as snow fences and expandable fences and collapsible fences, except when needed to meet emergency conditions or during construction of a building.

(3) All chain link fences erected shall be erected with the closed loop at the top of the fence.

(4) All entrances or gates shall open into the property.

(5) All fences or walls must be erected so as not to encroach upon a public right-of-way or easement.

(6) If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designated as to provide equal frame and cover area to adjoining yards.

(7) If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.

(8) If the fence is of masonry construction, a finished surface must be provided on the exterior side.

H. *Application for Fence.*

(1) All applicants for permits to construct or maintain a fence as defined in Part 2, shall make application for a permit for a permitted use as required under Part 6, and shall include with said application a plan or sketch showing the proposed location of the fence and the materials to be used, including sufficient information to determine conformance with the requirements of this Chapter.

(2) The applicant shall submit a narrative statement and location plan explaining the need and reason for the proposed fence.

(Ord. 27, 7/19/1995, §5.300; as amended by Ord. 41, 11/10/2011)

§27-504. Nonconforming Uses, Structures, and Lots.

Any legal nonconforming uses or structures existing at the date of the adoption of this Chapter and which are not in violation of any other Township ordinance, may be continued, maintained, improved, or enlarged only as provided below. An application

for such change shall be submitted to the Planning Commission for review and referred to the Zoning Officer for action.

A. *Certificate of Nonconforming Use.* A certificate of nonconforming use shall have been obtained in accordance with §27-602.5 and produced when applying for such changes.

B. *Enlargement.* A registered nonconforming use or structure may not be enlarged by more than 25 percent of the existing floor or ground area. Such enlargement shall not exceed the maximum height or maximum lot coverage requirements set forth in Schedule 27-II for the district in which such nonconforming use is located and shall provide for the required number of off-street parking spaces to serve the expansion as set forth in §27-505. Note that existing legal junkyards may not be enlarged. [Ord. 41]

C. *Restoration.* If no more than 75 percent (measured by its total floor area or use on a lot) of an existing nonconforming use or structure is damaged or destroyed, then a permit for its restoration may be obtained if such application is filed within 180 days of the initial damage or destruction, and restoration is completed within 24 months of the issuance of the permit.

D. *Discontinuance.* No such use or structure may be reestablished after it has been discontinued or vacated for a period of 12 months. Also, a nonconforming use or structure when razed or removed from the premises shall not be relocated except in conformity with the regulations of the district to which it is moved.

E. *Change of Use.*

(1) A nonconforming use or structure may be changed to another nonconforming use or structure only if such use is listed in the same use class subcategory in which the nonconforming use or structure is first listed, as set forth in §27-403. A permit for such a change may be approved by the Zoning Officer provided that the Zoning Officer shall determine that the following conditions which are generated by the proposed use are not greater than those generated by the existing nonconforming use at any time for a period of 2 years prior to the proposed change:

- (a) Number of employees.
- (b) Amount of employee and visitor parking required.
- (c) Number of commercial vehicles serving the proposed use and number of such vehicles to be parked at the premises or vicinity of the use.
- (d) Traffic volumes and congestion to be generated.
- (e) Adverse environmental effects generated by the proposed use.

(2) A proposed change to a nonconforming use which is not listed in the same use class subcategory as required above shall be considered to be a "conditional use" subject to review and action by the Planning Commission and the Supervisors as required in this Chapter. In such cases, the Supervisors may approve such change only if it determines that the change is equal or more appropriate to the character of the district and neighborhood in which it is located. Such a determination shall be based on a consideration of the same factors listed above for consideration by the Zoning Officer.

F. *Termination.* Certain types of nonconforming uses or structures which

present a special nuisance or hazardous condition shall be terminated as follows:

(1) *General Nuisances.* Upon a complaint registered by the Zoning Officer from 50 percent of the property owners within 500 feet of a nonconforming use which is considered to be a general nuisance or a hazard to the health, safety, welfare, and morals of persons residing or working in or using the area, the Supervisors shall hold a hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Supervisors after consideration of the time required for the reasonable amortization of the capital investment in such uses, or as may be provided for by the laws of the Commonwealth of Pennsylvania.

G. *Off-Street Parking.* Sufficient off-street parking spaces shall be provided, as set forth in §27-505 to serve any proposed expansion permitted by paragraph .A.

H. *Nonconforming Lots.* Subject to the provisions of §508(4) of the Municipalities Planning Code, 53 P.S. §10508(4), the following shall apply:

(1) In any zone in which single-family detached dwellings are permitted, a single-family detached dwelling may be erected on any single lot, as defined in this Chapter, existing in single and separate ownership on the effective date of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. This provision shall apply even though such lot fails to meet all of the lot area and lot width requirements of the zone in which the lot is located. Such nonconforming lots shall comply with the minimum lot size, minimum lot width, minimum size of yards, maximum building height and maximum lot coverage requirements set forth in §27-501.A and Schedule 27-IV. [Ord. 41]

(2) If a lot consists of two or more contiguous lots of record or combinations of lots or portions of lots of record held in single and separate ownership on the effective date of this Chapter, such lots of record shall not be separately transferred or developed, unless the lot so transferred or developed (whether consisting of one or more lots of record) and the lot retained by the transferor (whether consisting of one or more lots of record) shall meet all requirements of the zone in which the lot or lots are located. It is the intention of this Section that no portion of any lot consisting of two or more lots of record shall be used or sold in a manner which does not comply with all requirements established by this Chapter or which shall result in the creation of a lot width, lot area, or yard setback below the minimum requirements or with lot coverage in excess of the maximum requirements stated in this Chapter.

(Ord. 27, 7/19/1995, §5.400; as amended by Ord. 41, 11/10/2011)

§27-505. Off-Street Parking and Loading.

1. *Off-Street Parking.* In all districts off-street parking spaces shall be provided as set forth in Schedule 27-V when ever any building is erected, enlarged, or converted. Such spaces shall have an area of at least 180 square feet exclusive of access drives or aisles and shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are accessory or within a radius of 400

feet in the same district or in an adjoining district when approved by the Board. Said Schedule 27-V shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Township after the effective date of this Chapter.

2. *Home Occupations.* Permitted home occupations shall provide the following number of off-street parking spaces:

A. The required number of spaces for the residential structure as shown in Schedule 27-V.

B. The required number of spaces for the most applicable use listed in Schedule 27-V to which the home occupation is most similar, but in any case no less than one off-street parking space for each nonresident employee and one additional for each roomer, student, patron, patient, customer, or other visitor which the home occupation serves during any 1-hour period of maximum use.

**Schedule 27-V
Regulations for Off-Street Parking Spaces (a)**

Type of Use (b)	No of Parking Spaces Required
Recreation and Open Space Uses	
Agriculture, forestry	1 per employee
Outdoor recreation	1 per 2 potential peak day users or 1 for every 3 persons of total capacity, whichever is greater
Indoor recreation	1 for every 3 persons of total capacity or 1 for every 200 sf, whichever is greater
Residential	
Conventional residential dwelling units	2 per dwelling unit
Units for the elderly (60 or over)	1 per 2 dwelling units
New dwelling units created by approved conversions	1 per 1 dwelling unit
Home occupations	see subsection .2
Resort Development	cumulative totals of more specific lodging, recreation, eating and drinking facilities and other uses
Lodging	
Motels, hotels, inns, bed and breakfast establishments	4 for every 3 sleeping rooms
Rooming houses and dormitories	1 for every bed
Campgrounds	2 for every campsite
Eating and Drinking Establishments	
Restaurants and dining facilities	1 for every 3 seats or 3 per 100 gross sq. ft., whichever is greater (c)

Type of Use (b)	No of Parking Spaces Required
Nightclubs, taverns, bars, cocktail rooms	1 for every 2 seats
Membership for Private Clubs, Social Halls and Lodges	1 for every 200 gross sq. ft.
Commercial	
Shopping centers	5 for every 1,000 sq. ft. of net retail sales area
Retail, services, and commercial entertainment	1 for every 200 gross sq. ft.
Banks and financial institutions	1 for every 200 gross sq. ft. plus 1 for each 100 gross sq. ft. used to serve customers
Offices and office buildings	1 for every 200 gross sq. ft.
Gasoline service stations	1 for each 150 gross sq. ft.
Auto rentals or sales	1 for each 100 gross sq. ft.
Funeral homes	1 for each 4 chapel seats plus 1 for 2 employees, plus 1 for every sq. ft. of aggregate floor area in viewing rooms or parlors
Bowling alleys	5 for each individual bowling lane
Medical and Related Facilities	
Hospitals	1 for every 1.5 beds
Nursing homes and group homes	1 for every 3 beds
Medical, dental, and veterinarian offices and clinics	3 for every doctor, dentist, or professional person, plus 1 for every other 2 employees
Educational Facilities	
Commercial and other schools	1 for every 5 classroom seats
Places of Assembly	
churches, theaters, auditoriums and other places of assembly including spectator recreation and cultural facilities	1 for every 50 gross sq. ft. or 1 for every 3 seats persons to be accommodated, whichever is greater (c)
Manufacturing and Wholesale or Warehouse Establishments	1 for each 3 employees plus 1 for each 1,000 gross sq. ft., but not less than 25% of the total floor area
<p>Footnotes:</p> <p>(a) This table applies only to new construction or to new uses and to the enlarged section of any addition in all zoning districts. For multi-purpose facilities, use the cumulative total of all uses included.</p> <p>(b) For any use not specifically listed, the Zoning Officer shall apply the requirements of that listed use which he determines to be most similar, or shall analyze the maximum number of potential users which the use is capable of attracting at least 20 times per year.</p> <p>(c) Where benches are provided in lieu of seats then each 20-inch width of bench shall be equivalent to one seat.</p>	

3. *Off-Street Loading.* Every commercial, industrial, resort, or other building

which requires the receipt or distribution by vehicles or materials or merchandise shall provide one off-street loading space for each 10,000 square feet of gross building ground floor area or part thereof, and each such space shall be at least 400 square feet in area. Said loading spaces shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Township after the effective date of this Chapter.

4. *Development of Parking and Loading Spaces.* All off-street parking and loading areas shall conform with the following:

A. Off-street parking and loading spaces may be developed on any required side, front, or rear yard, except that such spaces located in the residential districts shall have landscaping setbacks of at least 10 feet from any street right-of-way or property lot line. Such spaces shall be properly designed in relation to adjoining uses and/or buildings. Adequate barriers shall be provided to protect buildings and sidewalks, and screening shall be provided as required in §27-509.1.

B. Except for required residential, agricultural, and open space uses all required parking and loading spaces shall be graded and installed over a compacted stone base, surfaced with gravel or durable bituminous or concrete paving materials. All parking and loading areas shall be properly graded and drained to dispose of all surface water, except that the Zoning Hearing Board, in accordance with the special exception use procedure set forth in this Chapter, may permit a reduction in the number of parking spaces to be improved if the applicant demonstrates that the full number of spaces as required herein will not be necessary to serve the proposed use for a period of 5 years. Such a reduction in the number of paved parking spaces required shall not relieve the applicant from the submission of an overall plan for the parking lot which designates the total number of parking spaces as required by Schedule 27-V. Said plan shall indicate those spaces which are to be improved for immediate use and those which are reserved for potential use as required by the Zoning Hearing Board.

C. They shall be arranged and marked for the orderly and safe movement, loading, parking, and storage of vehicles and shall be adequately illuminated if designed for use by more than 10 cars after dusk.

D. Exit and entrance driveways or access points shall be approved by the Supervisors and shall be at least 20 feet wide for two-way driveways and 12 feet wide for one-way driveways and shall not exceed 40 feet in width and wherever practical shall not occupy the full length of the streets, alleys, or other right-of-way from which they derive their access, but shall be limited to well-defined points, and shall be so designed to provide maximum safety for other adjoining or nearby uses. This subsection applies only to nonresidential uses.

5. *Off-Street Parking in Residential Areas.* On any lot used for residential purposes in the V-R, R-1, and R-2 Residential Districts, only one commercial vehicle may be parked or garaged on such a lot.

(Ord. 27, 7/19/1995, §5.500)

§27-506. Signs.

1. *Scope and Applicability.*

A. Signs may be erected, altered, maintained, used, removed, or moved only

in compliance with the provisions of this Section and with any other applicable Township regulations.

B. A zoning permit shall be required prior to the erection or alteration of any such sign, except that changes in the copy of any sign or official governmental signs shall not require such a permit.

C. Any existing signs which do not conform with the provisions of this Section shall not be altered or enlarged unless approved as a special exception.

2. *General Sign Regulations.*

A. No sign shall be erected which states that a property may be used for any purpose not permitted by this Chapter.

B. Signs referring to a use or product no longer in existence or available shall be removed within 6 months after cessation of the original use.

C. No sign shall be located or used in a manner that interferes with traffic on a street by causing glare, an obstruction to vision as defined herein, by causing confusion with traffic control devices or through other means.

D. Illuminated signs adjoining or visible from nearby residential areas shall be shielded to protect adverse effects or nuisances upon nearby dwellings.

E. An awning, with or without graphics and visual displays, shall not be considered to be a sign under this Chapter, but shall be subject to the applicable accessory use requirements of §§27-501 and 27-503, except that all awnings which project over any public right-of-way or private area shall be subject to the requirements of subsection .3.C.

F. No part of any sign, except for an official governmental sign, shall be located within the official right-of-way of any street or alley, unless specifically permitted herein.

G. Any vehicle to which a sign is attached in such a manner that the sign is no longer incidental to the vehicle's primary purpose shall be considered to be a free-standing sign subject to the sign provisions for the zoning district in which the sign is located.

H. Every sign shall be constructed of durable materials and shall be kept in good condition and repair.

I. Flashing and moving signs shall not be permitted in any zoning district.

3. *Location, Height, and Projection of Signs.*

A. *Location of Signs.* Unless otherwise provided for herein, all signs may be located in any required yard area, but not closer than 10 feet to any front property line, or closer than 5 feet of side yard property lines. Signs may be free-standing or attached to a building or other permanent feature on the site.

B. *Height Limitations.* Permitted signs shall not exceed the following height limitations:

(1) Signs accessory to uses located in the OSC, A-R, V-R, R-1, and R-2 Zoning Districts shall not exceed 10 feet in height.

(2) Signs accessory to uses located in the R-C Zoning District shall not exceed 25 feet in height.

(3) No sign may be attached to a building in a manner which allows it to exceed the roof height of the building.

C. Projection of Signs.

(1) No sign erected or replaced after the effective date of this Chapter shall project more than 1 foot over a public sidewalk or street right-of-way, unless specifically approved by the Supervisors.

(2) Signs which project over private areas shall conform with other applicable Township requirements and shall be approved by the Supervisors, but in all cases be at least 10 feet above the level of any area used for pedestrian or vehicular traffic.

(3) Signs attached parallel to the building which project more than 12 inches from the face of the building shall be at least 8 feet above the ground level.

(4) The owners of all signs and awnings which project over any public right-of-way shall provide insurance in an amount specified by the Township sufficient to hold the Township harmless in the event of any damage to life or property caused by such a sign in the public right-of-way.

4. *Type of Signs Permitted in Zoning Districts.*

A. The size and type of signs permitted in the various zoning districts are set forth below:

(1) *OSC, A-R, V-R, R-1, and R-2 Zoning Districts.* The following signs are permitted in the OSC, A-R, V-R, R-1, and R-2 Zoning Districts:

(a) A simple name plate sign containing the name, address, professional, or home occupation activity of the occupant of the premises is permitted. Such sign shall not be illuminated or be constructed of highly reflective materials and shall not exceed 1 square foot in area. Such signs shall be attached to the building to which they pertain.

(b) A single identification sign or bulletin board, not exceeding 15 square feet in area is permitted, in connection with any church, school, college, hospital, institution, park, playground, or other similar public or semi-public use. Such signs may be attached to the building to which they pertain and shall not be located within 5 feet of all lot lines if they are free-standing.

(c) A single identification sign attached to the building to which it pertains and not exceeding 10 square feet in area is permitted for any legally existing nonconforming use.

(d) A business or identification sign applicable to any permitted agricultural use; or to an applicable approved special exception or conditional use, not exceeding 15 square feet, in area which is specifically approved by the Supervisors or by the Zoning Officer, or the Zoning Hearing Board as the case may be.

(e) *Agricultural Signs.* In the A-R District signs required for the conduct of agricultural activities or related uses, including approved or existing home-based businesses shall be permitted, but shall not exceed

15 square feet in area.

(2) *R-C Zoning District.* The following signs are permitted in the R-C Zoning District:

(a) *Residential Signs.* For any residential use any of the applicable residential signs identified in paragraph .A(1) are permitted.

(b) Business or identification signs are permitted which direct attention to a business, profession, product, service, activity, use, or entertainment sold or offered on the premises where such a sign is located.

(c) A single identification sign or bulletin board, not exceeding 24 square feet in area is permitted in connection with any church, school, college, hospital, institution, park, playground, or other similar public or semi-public use.

(d) A single identification sign, not exceeding 24 square feet in area is permitted for any legally existing nonconforming use.

(e) Advertising signs or billboards which direct attention to a business, product, service, activity, use, or entertainment not conducted, sold or offered upon the premises where such sign is located. Advertising signs shall not be closer to each other than 150 feet.

(3) *Size of Signs.* The total area of business identification or advertising signs shall not exceed 10 percent of the surface of the building facade, or of the wall area on which the sign is mounted or to which the sign pertains, except as provided in the next paragraph.

The total square foot area of all signs located on any single parcel under the provisions of paragraph .A(2) above shall not exceed 2 square feet for every 1 lineal foot of lot width having frontage on a public street, provided that on corner lots only the longest dimension may be used.

5. *Design of Signs.* Wherever possible the applicant for any sign shall consider the following design principles for the purpose of establishing a coherent and attractive visual appearance for the area in which the sign is located:

A. The height, size, and general appearance of signs shall be consistent in appearance and shall be of uniform height and layout and harmonious with other adjoining signs located within 300 feet of the parcel.

B. Signs shall be visible from the street to both pedestrians and vehicular passengers.

C. Signs shall not be designed to block the visibility of other adjoining signs and wherever possible shall be attached flat or parallel to the building to which they pertain and shall not project out more than 12 inches from the face of the building.

D. Free-standing signs shall be set back from the property lines and shall be consistent and harmonious with the size of the structure to which they pertain and shall not detract from the visibility or appearance of any adjoining structures.

E. Advertising signs and billboards, where permitted, shall not dominate the view of the structures located within 500 feet of such signs.

6. *Prohibited Signs.* The following signs are prohibited in all districts:

A. Signs which in any way simulate official governmental signs that are not concerned with the protection of the public health and safety.

B. Banners, spinners, flags, pennants, or any moving object used for commercial advertising purposes whether containing a message or not.

C. Flashing, blinking, twinkling signs, not including signs that alternately display the time and temperature.

7. *Temporary Signs.* Temporary signs not exceeding 6 square feet for the sale or rental of individual properties, and not exceeding 24 square feet for identifying residential developments, developers, contractors, and/or realtors are permitted in all districts while property is under construction or offered for sale or rental. Such signs shall be removed within 10 days of the date of the final sale or rental of the property. (Ord. 27, 7/19/1995, §5.600)

§27-507. Temporary Uses.

1. *Special Events or Activities.*

A. Any applicant may submit a zoning application for the purposes of requesting permission to undertake or conduct a special event, activity, or use (hereinafter referred to as a “temporary use”) that shall be temporary in nature. Such a temporary use shall exist for a period of time not to exceed 1 year. Said application shall be submitted in accordance with the special exception use procedure established in §27-403.2, and the temporary use shall be clearly related to the requirements for permitted uses set forth in this Chapter.

B. Said application shall clearly set forth the following:

(1) The exact purpose, nature, and location of the proposed temporary use, including all private and public lands and right-of-way involved.

(2) The relationship of the temporary use to other uses permitted in the zoning district.

(3) The number of employees, spectators, participants, or other persons or agencies, equipment, or other paraphernalia to be involved or used in such temporary use.

(4) Evidence that the Township will be held harmless from any unforeseen adverse consequences resulting from such temporary use and evidence of the availability of sufficient insurance coverage.

(5) An evaluation of the traffic impact of said use based on the requirements of Schedule 27-III and §27-402.2.

(6) The length of time for which a temporary use permit is requested.

(7) Any special requirements, hardships, or conditions to be imposed on the Township, or its residents or to other uses which may be affected by the temporary use.

C. The Zoning Hearing Board shall review the proposed application as a special exception use and shall reach a decision after receipt of a recommendation from the Planning Commission as required by this Chapter.

D. The Zoning Hearing Board may reject the application or may determine that the temporary use is needed to support an existing or permitted use or to serve

the needs of the majority of the Township or neighborhood residents affected by such use. Any approval of such a temporary use shall be subject to the applicable safeguards and procedures established in §§27-401 and 27-402.

2. *Excavations and Fill Material.*

A. *Operations Subject to State Regulation.*

(1) All quarry, or other noncoal mining operations are considered temporary uses under this Chapter as required by subsection .1 above. Such uses which are subject to State law, or to regulations of the Pennsylvania DEP shall require necessary permit(s) from the appropriate State Agency. Particular reference is made to the Commonwealth of Pennsylvania Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. §3301 *et seq.*, as it may be amended and to other requirements relating to the operation of sanitary landfill areas and to preservation of water quality in the Commonwealth as administered by the Pennsylvania Department of Environmental Protection (Pennsylvania DEP). [*Ord. 41*]

(2) All excavations or placement of fill in wetland areas shall be subject to the requirements of the Pennsylvania DEP and the Army Corps of Engineers. [*Ord. 41*]

(3) Such operations may take place in the Township only in those areas where permitted by this Chapter.

(4) All applicants for such operations shall submit a copy of any request for a State permit to the Zoning Officer, together with any plans required by the State for the reclamation operation of such areas. The Zoning Officer shall also require a zoning permit application form to be submitted plus any other information required to properly evaluate the application. Approval of any zoning permit for an operation permitted in the Township shall be conditioned upon the receipt by the operator of any permit required from the State.

(5) The Township may present information to or request a public hearing of Pennsylvania DEP to be held on such applications for a permit which are submitted to the State. [*Ord. 41*]

B. *Other Excavations.*

(1) Any other excavations, regrading of the natural terrain where ground levels are affected by more than 1 foot and the removal of topsoil or other earth products, the placement of fill, or the alteration of drainage patterns are subject to the applicable requirements of the Lackawanna County Conservation District. Such uses may only be carried out as a temporary use as required in subsection .1 above.

(2) Such excavations must be adequately drained to prevent the formation of pools of water. The Zoning Hearing Board may require that such an excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety, and welfare.

(3) Grading and excavation operations which are required for the normal conduct of farming or gardening activities which are permitted on the property shall not require a special permit for these purposes, unless such permits are required from other agencies.

(4) Unless specifically permitted by the Supervisors or the Zoning Hearing Board, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.

(5) The dumping of earth, gravel, rock, or other materials not subject to decay, noxious, or offensive odors may be permitted in any zone or any vacant land; provided, that the existing grade shall not be raised more than 1 foot above the grade of the nearest road, that hazardous or nuisance conditions are not created, and that an unsightly appearance or unstable slopes are not created. Industrial or other operations requiring the dumping of such materials above the grade of the nearest road may be permitted by the Zoning Hearing Board as a special exception use if the Zoning Hearing Board determines that such dumping is not a menace to the public health, safety, or welfare or a nuisance to nearby residential areas.

(6) Operations affecting drainage patterns shall be studied by the Township's Engineer and appropriate recommendations or conditions developed for consideration by the Zoning Hearing Board. Necessary reviews and approvals from other affected agencies such as the Lackawanna County Conservation District or Pennsylvania DEP or other State and Federal agencies shall also be secured prior to the issuance of any permit. [Ord. 41]

(Ord. 27, 7/19/1995, §5.700; as amended by Ord. 41, 11/10/2011)

§27-508. Site Plan Review.

1. *Purpose and Procedure.* Site plan review and the submission of a site plan is required herein for all special exception and conditional uses, or for any other use requiring such review in accordance with the requirements of Part 4 or other provisions of this Chapter. The following site plan procedure shall be followed to ensure the safe and efficient movement of traffic, adequate drainage and connection to utilities, compliance with other applicable regulations and to promote the development of an attractive and well-planned Township, to enhance sound site planning and to best serve the interests of public health, safety, and general welfare and with the objectives of this Chapter.

2. *Optional Site Plan Review Procedure.*

A. In lieu of submittal of all of the site plan requirements itemized below, the applicant may elect to submit a preliminary sketch site plan, containing lesser information, for unofficial review by the Planning Commission. Such sketch site plan shall be for the purpose of indicating to the Planning Commission the general nature and intent of the proposal which will enable the Commission to present its initial considerations for the purpose of guiding the developer in the preparation of the official site plan, in accordance with these zoning requirements.

B. The entire purpose of this optional procedure is to facilitate the proper development of a site plan, as required herein and to prevent unnecessary expenses associated with the development of a site plan. This optional procedure shall be considered to be a convenience for the applicant and shall not constitute an official zoning permit application or submission and shall not convey any benefits or assurances to the applicant which he would not otherwise have had if such an

optional site plan were not submitted by the applicant. All such optional plans shall be clearly marked with the words “optional sketch plan.”

3. *Site Plan Requirements.* The official site plan shall include the following information:

A. An application for a use located in a use class requiring site plan review, as required by this Chapter, shall be submitted to the Zoning Officer. The applicant shall also submit five complete sets of site plans certified by a registered engineer, surveyor, architect, or community planner with AICP certification.

B. When a site plan has been officially submitted, it shall be placed on the Planning Commission agenda for review at its next regular meeting, provided the official submission is made 10 days or more before the regular meeting.

C. Within 45 days after the official submission of a site plan, the Planning Commission shall make a written recommendation to the Zoning Officer, the Zoning Hearing Board or Supervisors, depending on whether the zoning permit requested is for a permitted use, a special exception use or a conditional use respectively, on whether the plan should be approved or disapproved. The written recommendation shall include the underlying findings and reasons affecting the Planning Commission’s recommendation. In making such a recommendation, the Planning Commission may receive advice and review comments from the Township’s Engineer or any other competent review authority.

D. The appropriate body (Zoning Officer, Zoning Hearing Board, or Supervisors) shall take action by approving or disapproving the plan either within 45 days after receiving the Planning Commission’s written recommendation or within 90 days after the site plan is officially submitted. The Zoning Officer shall inform the applicant in writing of the action taken by the appropriate body and shall issue any applicable permit.

E. Site plan approval shall neither relieve the applicant from any other provisions of this Chapter nor constitute a recommendation for a variance or other relief that the applicant may seek from the Zoning Hearing Board.

F. The following information shall be included on the site plan. Any such information which is not considered applicable to the proposed use may be waived by the Zoning Hearing Board or the Zoning Officer.

(1) A statement as to the proposed use of the building or land.

(2) A site layout drawn to a scale of not less than 1 inch equals 100 feet showing the location, dimensions, and area of each lot, the location, dimensions, and height of proposed buildings, structures, streets, roads, and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

(3) The location, dimensions, and arrangements of all open spaces and yards, landscaping, fences, and buffer yards, including methods and materials to be employed for screening.

(4) The location, size, arrangement, and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading,

and provisions to be made for lighting such areas.

(5) The dimensions, location, and methods of illumination for signs and exterior lighting.

(6) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.

(7) Sanitary and stormwater facilities and connections. Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage. Submission of a stormwater management plan with supporting calculations shall be required.

(8) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including information on total land area, area to be reserved in common open space, density, maximum lot coverage, total area to be covered with impervious surfaces and other information which will assist the Commission in determining compliance with this Chapter. [*Ord. 41*]

(9) A description of any proposed use in sufficient detail to permit the Commission to determine compliance with the performance and traffic impact requirements set forth in §27-402 and the flood prone area requirements of §27-510.

(10) Site topographic contours shall be provided as follows:

(a) Two-foot intervals on tracts with grades of up to 5 percent.

(b) Five-foot intervals on tracts with grades exceeding 5 percent.

(11) All proposed site grading; drainage provisions; road, driveway, and parking lot construction and proposals.

(12) A key map showing the entire project and its relation to surrounding properties and existing building thereon.

(13) Soils, slopes, and floodplain delineations.

(14) Certification by a licensed engineer or surveyor.

(15) Certification of ownership and acknowledgment of plan by owner or developer.

4. *Site Design Guidelines.*

A. In addition to the requirements of subsection .3, the following guidelines are presented to assist the applicant in the preparation of site and building plans and to assist the Planning Commission in the review of all site plans.

B. These guidelines are divided into nine categories and are meant to encourage creativity, innovation, and well-designed developments. They not only apply to principal buildings and structures, but also to all accessory buildings, structures, free-standing signs and other site features.

(1) *Preservation of Landscape.* Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

(2) *Relation of Proposed Buildings to Environment.* Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable

relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.

(3) *Drive, Parking, and Circulation.* For vehicular and pedestrian circulation, including walkways, interior drives, and parking, give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.

(4) *Surface Water Drainage.* Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all stormwater from all roofs, canopies, and paved areas. Collect surface water in all paved areas to permit vehicular and pedestrian movement.

(5) *Utility Service.* Place electric and telephone lines underground, where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.

(6) *Advertising Features.* Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.

(7) *Special Features.* Provide needed setbacks, screen plantings, and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.

(8) *Performance, Traffic Impact, and Flood Area Requirements.* Adequately address all requirements identified relative to §§27-402 and 27-510.

(9) *Subdivision and Land Development Ordinance Requirements.* Where the zoning proposal requires approval under the Township's Subdivision and Land Development Ordinance [Chapter 22], the site plan shall also address the major requirements of that ordinance.

(Ord. 27, 7/19/1995, §5.800; as amended by Ord. 41, 11/10/2011)

§27-509. Miscellaneous Provisions.

1. Screening Requirements.

A. Adequate screening, as described herein, shall be provided along the front, side, and rear boundaries of any industrial, manufacturing, commercial, public, or resort use which is carried on outside of any completely enclosed building, or of any off-street parking or loading area for more than five vehicles, which abuts a

residential area or zoning district or which is directly visible or across a street or alley from a residential area, or along the boundaries of any other use where such screening is required by this Chapter.

B. Where open construction or storage yards, solid waste transfer stations and recycling centers, junkyards, or similar uses are approved by the Township, they shall be screened in accordance with the provisions of this Section.

C. The Zoning Hearing Board may waive this requirement, in part or in its entirety, where natural terrain considerations eliminate the need for such a screen or where access considerations or adjoining development would not substantially benefit from such a screen, as determined by the Board.

D. Such screening shall conform with the applicable fence requirements of §27-503.5 and consist of a visual screen or obstruction of sufficient height, but not less than 6 feet high, to effectively obscure the area being screened from adjoining uses. Such a screen or obstruction shall consist of a suitable permanent fence or wall or of appropriate planting materials such as shrubs, hedges, or trees located within a buffer strip having a minimum width of 5 feet. Such fence, wall, or planting materials shall be maintained in good condition without any advertising thereon.

E. Any space between such fence, wall, or planting materials and adjoining lot lines shall be attractively surfaced and/or landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

2. *Slope of Yards.* The surface area of any yard of open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.

3. *Design of Highway (Nonresidential) Development.* It is the objective of this Chapter to encourage the orderly development of commercial, industrial, and other nonresidential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the Township. This shall be accomplished as follows:

A. The design of streets, service drives, and pedestrian ways shall provide for safe, convenient, and hazard-free internal circulation of goods, persons, and vehicles.

B. Nonresidential parcels shall be limited to no more than two driveway access points from the street or highway from which they derive their principal access and such driveway access points shall not be more than 40 feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.

C. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for nonresidential development consideration shall be given to the following:

(1) The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.

(2) The development of parking and loading areas which permit

convenient traffic circulation between adjoining parcels.

(3) The development of pedestrian walkways between adjoining parking areas and buildings.

(4) The provision of landscaping and other features which will enhance the usability, character, and attractiveness of the area.

4. *Animals and Fowls.*

A. In any district except for the OSC and A-R Zoning Districts, the establishment, maintenance, and operation of boarding stables, dog kennels, boarding kennels, aviaries, or similar facilities for the housing, boarding, service, treatment, care, breeding, or sale of animals and fowls for commercial purposes is prohibited, except as set forth in Use Classes 7 and 8.

B. The keeping of pets and animals which are the personal property of persons residing on the premises, and not for commercial purposes are permitted as set forth in Use Class 7.

5. *Size of Dwellings.* In order to promote the public health, safety, and welfare of occupants residing in residential dwelling structures, the following minimum floor areas for human habitation shall be required in all dwelling units designed for permanent occupancy. Where a greater minimum floor area is required by any applicable code or ordinance that higher minimum shall apply.

Number of Bedrooms	Minimum Floor Area (square feet)
Efficiency unit	450
One bedroom	575
Two bedrooms	700
Three or more bedrooms	800 + 100 for each additional bedroom exceeding 3

No dwelling unit shall be less than 12 feet wide.

6. *Water and Sewer Facilities.*

A. All buildings within the Township shall be served with approved central water and sanitary sewer facilities when available and where such facilities are not available suitable alternate facilities meeting the requirements of the Pennsylvania Department of Environmental Protection shall be provided.

[Ord. 41]

7. *Prohibited Uses.* The following uses shall be prohibited:

A. *Obscene Materials or Activities.*

(1) Any use involving activities which constitute violation of 18 Pa.C.S.A. §5903, as amended, or as defined herein relating to display, sale, lending, distribution, or exhibiting of obscene and other sexual materials are prohibited in every zoning district.

(2) The exhibition or dissemination of obscene materials or activities, as defined herein, which do not constitute a violation of 18 Pa.C.S.A. §5903, as amended, shall only be permitted in a zoning district which clearly lists such

a use, and all such uses shall be conditional uses as defined herein.

8. *Commercial Communication Devices (CCD)*. In addition to all other applicable standards of this Chapter, the following regulations shall apply to commercial communication devices (CCD) including, but not limited to, cellular phone antennae, antennae for communication service regulated by the Pennsylvania Public Utility Commission, and other commercial antennae and associated facilities.

A. *Purposes*.

(1) To accommodate the need for communication devices while regulating their location and number in the Township in recognition of the need to protect the public health, safety, and welfare.

(2) To minimize the adverse visual effects of communication devices and support structures through proper design, siting, and vegetative screening.

(3) To avoid potential damage to adjacent properties from communication device support structure failure and falling ice, through engineering and proper siting of support structures.

(4) To encourage the joint use of any commercial communication device support structures and to reduce the number of such structures needed in the future.

B. *Permits; Use Regulations*. A permit shall be required for every CCD and support structure installed at any location and the following use regulations shall apply:

(1) *Existing Tall Structures*. A CCD site with a CCD that is attached to an existing communications tower, smoke stack, water tower, or other tall structure where the height of the CCD does not exceed the height of the existing structure by more than 20 feet shall be permitted in all districts as an accessory use and special exception approval shall not be required. A CCD on a single-family or two-family dwelling, and on utility poles in R-1 and R-2 Districts shall not be permitted. Any subsequent installations above the initial 20-foot height increase shall be prohibited. The applicant shall provide the following information:

(a) Evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.

(b) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township for compliance with the applicable requirements.

(c) Evidence of recorded agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.

(2) *New Structures and CCD Exceeding 20 Feet on Existing Structures*. A CCD site with a CCD that is either not mounted on an existing structure, or is more than 20 feet higher than the structure on which it is mounted shall be permitted only in those districts specified on the Schedule of Uses and shall

require special exception approval in accord with this subsection.

(3) *Associated Use.* All other uses ancillary to the CCD (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted in the zoning district in which the CCD site is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.

(4) *Lot Size; CCD as a Second Principal Use.* Minimum lot area shall comply with Schedule 27-II. A CCD shall be permitted on a property with an existing use subject to the following land development standards:

(a) The CCD facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.

(b) The minimum lot area, minimum setbacks and maximum height required by this Chapter for the CCD and support structure shall apply; and, the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.

(c) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

(d) The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

C. *Standards.*

(1) *Location Requirement and Number.* The applicant shall demonstrate to the satisfaction of the Township, using technological evidence, that the CCD and support structure must go where it is proposed, in order to satisfy its function in the company's grid system. The number of CCD to be installed at a site by an applicant may not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant shall provide information on the general location of other towers/sites planned for the region.

(2) *Collocation; New Tower.* If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Township may require the applicant to demonstrate that it contacted, in writing, the owners of tall structures within a 5-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied. This would include smoke stacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Township may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the CCD on an existing structure, thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good faith effort shall demonstrate that one or more of the

following reasons apply to a particular structure:

(a) The proposed equipment would exceed the structural capacity of the existing structure; and, its reinforcement cannot be accomplished at a reasonable cost.

(b) The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure; and, the interference cannot be prevented at a reasonable cost.

(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 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.

(3) *CCD Height; Design.*

(a) The applicant shall demonstrate that the CCD is at the minimum height required to function satisfactorily and provide adequate height for eight service providers. The maximum height of any CCD shall be less than 200 feet.

(b) The Township may require the tower to be designed and constructed to be stackable (structurally capable of being increased in height) so that additional antennae arrays can be accommodated in addition to the arrays on the original tower to facilitate future collocation.

(c) CCD equipment buildings shall comply with the accessory structure height limitations of the applicable zoning district.

(d) The Township shall require stealth design or specific colors to ensure that the CCD is compatible with the surrounding landscape; and, such determination shall be based on a balloon test for height conducted by the applicant.

(4) *Setbacks.* If a new CCD support structure is constructed (as opposed to mounting the CCD on an existing structure) or if the CCD height exceeds the height of the existing structure on which it is mounted by more than 20 feet, the following minimum setbacks shall apply:

(a) *Separate Parcel.* If the parcel on which the CCD and support structure are located is a separate and distinct parcel, the distance between the base of the support structure and any adjoining property line shall not be less than the height of the CCD structure plus the normal setback for the district. The setback for equipment containers, other accessory structures, and guy wire anchors shall be a minimum of 30 feet.

(b) *Lease, License, or Easement.* If the land on which the CCD and support structure is leased, or is used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, other accessory structures, and guy wire anchors shall be a minimum of

30 feet from the line of lease, license, or easement. In any case, the distance between the base of the support structure and any adjoining property line (not lease, license, or easement line) shall not be less than the height of the CCD structure.

(5) *CCD Support Structure Safety.* The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with the current *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of any applicable building code. Within 45 days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania registered professional engineer that the CCD and support structure comply with all applicable regulations.

(6) *Fencing.* A fence shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of 8 feet in height.

(7) *Landscaping.* Landscaping may be required to screen as much of the support structure as possible, the fence surrounding the support structure, any other ground level features (such as a building), and, in general, buffer the CCD and support structure site from neighboring properties. The Township may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the CCD is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required. In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.

(8) *Collocation; Other Uses.* In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users including, but not limited to, other cellular phone companies, and local fire, police, and ambulance companies. The applicant shall provide evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. The proposed structure, as determined by the Township, shall be constructed to provide available capacity for other providers if there is a future additional need for such facilities.

(9) *Licenses; Other Regulations; Insurance.* The applicant must demonstrate that it has obtained the required licenses from the Federal Communications Commission, the Pennsylvania Public Utility Commission, and other agencies. The applicant shall also document compliance with all applicable State and Federal regulations. The applicant shall submit the name,

address, and emergency telephone number for the operator of the CCD and a certificate of insurance evidencing general liability coverage in the minimum amount of \$2,000,000 per occurrence and property damage coverage in the minimum amount of \$2,000,000 per occurrence covering the CCD and support structure. The applicant shall provide the Township with annual proof of renewal prior to expiration.

(10) *Access.* Access to the CCD and support structure shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be improved to a width of at least 10 feet with a dust-free, all weather surface for its entire length.

(11) *Signs; Lighting; FAA and PennDOT Notice.*

(a) No signs or lights shall be mounted on a CCD except as may be required by this subsection, Federal Communication Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

(b) No CCD support structure may be artificially lighted, except as required by the Federal Aviation Administration.

(c) The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation; and, the CCD and support structure shall comply with all FAA and PennDOT requirements.

(12) *Communications Interference.* The applicant shall document that the radio, television, telephone, or reception of similar signals for nearby properties will not be disturbed or diminished.

(13) *Historic Structures.* A CCD shall not be located on a building or structure that is listed on a historic register or within 500 feet of such a structure.

(14) *Identification.* All antenna support structures including, but not limited to, equipment buildings and cabinets, shall clearly display the operator's name, license number, and emergency telephone number.

(15) *Fire Suppression System.* The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the CCD.

(16) *Discontinued Use.* If any CCD or support structure ceases to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located shall be required to remove the same within 90 days 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. In addition, at the time of zoning permit issuance for any CCD the Township shall require a financial guarantee, in a term, form and amount determined by the Zoning Hearing Board with the advice of the Solicitor, to guarantee the removal of the CCD.

(17) *Site Plan.* A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required in the Township's Subdivision

and Land Development Ordinance [Chapter 22]. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than 20 feet. A land development plan approved pursuant to the Township's Subdivision and Land Development Ordinance [Chapter 22] shall be a prerequisite to the construction of a communications equipment building or other roofed structure erected pursuant to this Chapter which have a combined gross floor area of greater than 100 square feet.

(18) *Review Fees.* The applicant shall pay all professional costs incurred by the Township for review of structural, radio frequency and other technical aspects of the proposal and shall deposit with the Township an amount deemed adequate by the Zoning Hearing Board to cover the anticipated costs. If the review costs exceed the deposit, an additional assessment shall be made. If the deposit exceeds the cost, the balance shall be returned to the applicant. No approval shall become effective until all costs have been paid by the applicant.

[Ord. 37]

9. *Multi-family Dwellings.* Multi-family projects are permitted in certain districts in accord with the schedule of uses in order to provide the opportunity for the development of a variety of housing types in the Township.

A. *Project Design Process and Procedure.*

(1) *Subdivision and Land Development.* Multi-family projects shall be considered major subdivisions and land developments also subject to the Township Subdivision and Land Development Ordinance [Chapter 22]. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision.

(2) *Site Plan.* A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Chapter. Building layouts, floor plans, and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

(3) *Open Space.* Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners association.

B. *Bulk and Density Standards: Parcel Configuration.* The bulk and density factors listed on the following table shall apply to multi-family dwellings. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

Multi-family Dwelling Standards				
Project Standards	Townhouses	Garden Apartments	Apartment Buildings	Public Elderly Apartment Buildings
Minimum size for project parcel (acres)	based on the standards in this subsection			
Maximum density—number of dwelling units per acre of useable area [Ord. 41]	6	6	8	12
Maximum number of dwelling units per building	6	6	8	24
Maximum building height (feet)	35	35	35	35
Maximum lot coverage of project parcel (%)	40	40	40	40

Additional Townhouse Standards	
Minimum lot size for townhouse units for individual sale	1,000 square feet
Minimum lot width at house location	18 feet
Minimum front and rear yard setback	10 feet front/15 feet rear
Minimum side yard setback for end unit	15 feet

C. *Design Criteria.* The following design criteria shall apply to multi-family projects:

(1) *Setbacks.* No structure in a multi-family dwelling project shall be constructed within 20 feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within 10 feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than 5 feet. A setback of 50 feet for any structure shall be maintained from all existing or proposed public or private road rights-of-way and the boundary line of the entire project parcel.

(2) *Road Standards.* Access roads through the development shall comply with the street requirements of the Township Subdivision and Land Development Ordinance [Chapter 22] for minor roads. Access drives serving 12 units or less, and in the case of public elderly apartment buildings 24 units or less, shall be considered driveways that need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

(3) *Building Separation.* All principal multi-family structures shall be separated by a distance as may be required by any applicable building code, but in no case less than 20 feet.

(4) *Pedestrian Access.* Walkways of such design and construction as

approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as set forth in the Township Subdivision and Land Development Ordinance [Chapter 22].

(5) *Trash Storage.* Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.

(6) *Architectural Renderings.* Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than 10 dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.

(7) *Townhouses; Facade Changes.* A minimum of two changes in the front wall plane with a minimum offset of 4 feet shall be provided for every attached grouping of townhouses in one building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.

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

E. *Conversions of Existing Structures.* Conversions of any existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alteration, shall be subject to the provisions of this Section.

F. *Common Property Ownership and Maintenance.* In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. The developer shall also submit evidence of compliance with the Pennsylvania Uniform Condominium Law, 68 Pa.C.S.A. §3101 *et seq.*, or an attorney's opinion that said law does not apply to the subject project.

G. *Water Supply and Sewage Disposal.* All multi-family dwelling projects shall be served by a private community water supply system and a private community sewage disposal system.

[Ord. 37]

(Ord. 27, 7/19/1995, §5.900; as amended by Ord. 37, 3/10/2005, Items 14 and 17; and by Ord. 41, 11/10/2011)

§27-510. Environmentally Sensitive Areas.

1. All zoning proposals and applications are subject to all of the applicable requirements of this Chapter and Zoning Map, including the requirements of §27-402 which sets forth performance, environmental, and traffic requirements. Zoning

proposals which include actions in environmentally sensitive areas are also subject to the requirements of this Section set forth below.

2. All uses proposed in such areas shall also be subject to the conditional use procedures of this Chapter which requires review by the Planning Commission and the Township Supervisors of the Township as set forth in §27-403.4.

A. *Areas Subject to Flooding.* All development proposed in any flood prone areas, as defined herein, based on studies of the Federal Flood Emergency Management Administration (FEMA) shall be designed in accordance with sound floodplain management principles set forth in Township's Floodplain Management Ordinance(s) [Chapter 8] and as these ordinances may be further amended. Said ordinances contain provisions for compliance with the National Flood Insurance Program. Any portion of the 100-year floodplain which is not suited for development, based on the standards set forth in the above ordinances, may be utilized for uses which do not encroach, obstruct, or limit the flow of water. Such uses may include temporary or permanent agriculture, horticultural, and forestry uses, and outdoor recreation uses which do not obstruct the flow of water as determined by the Board.

B. *Wetland and Vernal Pond Buffer Delineation.* A 50-foot inner buffer and 50-foot outer buffer, measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pond for a total distance of 100 feet, shall be maintained for all wetlands and vernal ponds.

(1) *Inner Buffer.* Measured perpendicular to and horizontally from the edge of the delineated wetland or vernal pond, for a distance of 50 feet.

(a) Stormwater conveyance required by the Township, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by DEP and unpaved trails shall be permitted.

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

(2) *Outer Buffer.* Measured perpendicular to and horizontally from the outer edge of the inner buffer for a distance of 50 feet resulting in a total buffer of 100 feet.

(a) Stormwater conveyance required by the Township, buffer maintenance and restoration, the correction of hazardous conditions, agricultural activities, plant nurseries, parking lots constructed to existing grade, temporary fairs and carnivals, accessory uses for residential purposes, private sportsmen's club activities, athletic facilities, orchards, wildlife sanctuaries, boat launch sites, stream crossings permitted by DEP and unpaved trails shall be permitted provided no buildings are involved.

(b) In areas of the outer buffer which are not vernal ponds or slopes of more than 15 percent, stormwater management facilities which improve water quality of stormwater discharge shall be permitted unless prohibited by other Township or State requirements.

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

(d) Limited forestry activities that do not clear cut the buffer (e.g.,

selective regeneration harvest) in accord with a forestry management plan shall be permitted provided no buildings are involved.

[Ord. 37]

C. *Groundwater Aquifers and Recharge Areas.*

(1) *Definitions.*

Groundwater—replenished, or recharged by the rain or snow that falls on the land.

Groundwater aquifers—permeable saturated underground formations of rock, sand or gravel.

Recharge areas—land surface areas through which groundwater enters the earth.

(2) *Special Requirements for Groundwater Protection.* Any proposed land use which may directly, by means of effluent discharge into the ground, or indirectly through the leaching of stored materials result in the pollution of the groundwater shall be prohibited in the aquifer outcrops and/or recharge areas. The determination of such hazards shall be made by the appropriate State or Federal Agency and/or a qualified sanitary engineer recognized by the Board.

D. *Lakes, Pond, Streams.*

(1) Lakes, ponds, and streams shall be left as permanent open space. No development, filling, piping, or diverting shall be permitted except in accord with this Section. All developments shall protect rivers, streams, lakes, and ponds from sedimentation and shall control erosion in accordance with Pennsylvania Clean Stream Law and Pennsylvania DEP implementing regulations. [Ord. 41]

(2) No alteration of watercourses, whether by excavation, filling, grading, clearing, draining, or otherwise, shall be made that affects the water levels or flow of such watercourses without careful review and study of the effect of such alteration and any related facilities on water recharge areas, water table levels, water pollution, aquatic animal and plant life, temperature change, drainage, flooding, runoff, and erosion. Review and approval of such alteration shall be made by the Board in consultation with the County Conservation District and the Pennsylvania DEP. [Ord. 41]

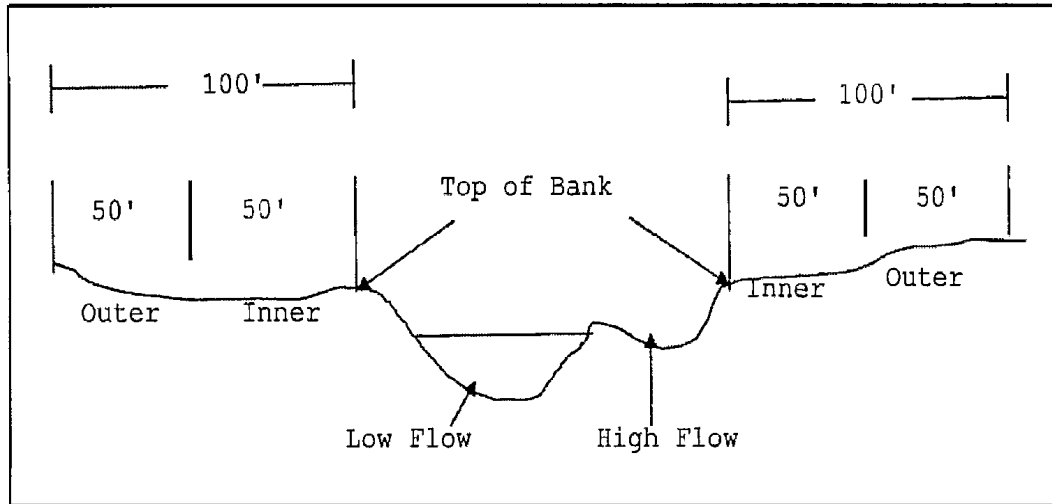
(a) *Lakes and Ponds.*

1) *Lake and Pond Buffer Delineation.* A 50-foot buffer measured perpendicular to and horizontally from the edge of any water body, shall be maintained around any water body.

2) *Permitted Activities/Development.* Stormwater conveyance required by the Township, buffer maintenance and restoration, the correction of hazardous conditions, lake front views, boat docks, accessory boat storage structures, and unpaved trails shall be permitted, provided no other structures are involved. The area of the buffer impacted by permitted activities shall not exceed 35 percent of the buffer on the subject parcel.

(b) *Streams.*

1) *Stream Buffer Delineation.* A 50-foot inner buffer and 50-foot outer buffer, measured perpendicular to and horizontally from the top-of-bank on both sides of any stream, for a total distance of 100 feet, shall be maintained on both sides of any stream. See the following figure.



Stream Buffers

a) *Inner Buffer.* Measured perpendicular to and horizontally from the top-of-bank of the stream for a distance of 50 feet.

(i) Stormwater conveyance required by the Township, buffer maintenance and restoration, the correction of hazardous conditions, stream crossings permitted by DEP, fish hatcheries, wildlife sanctuaries and boat launch sites constructed so as not to alter the floodplain cross-section, and unpaved trails shall be permitted providing no buildings are involved.

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

b) *Outer Buffer.* Measured perpendicular to and horizontally from the outer edge of the inner buffer for a distance of 50 feet resulting in a total buffer of 100 feet. [Ord. 41]

(i) Stormwater conveyance required by the Township, buffer maintenance and restoration, the correction of hazardous conditions, agricultural activities, plant nurseries, parking lots constructed to existing grade, temporary fairs and carnivals, accessory uses for residential purposes, private sportsmen's club activities, athletic facilities, orchards, wildlife sanctuaries, boat launch sites, stream crossings permitted by DEP and unpaved trails shall be permitted provided no buildings are involved.

(ii) In areas of the outer buffer which are not wetlands, vernal ponds or slopes of more than 15 percent, stormwater management facilities which improve water quality of stormwater discharge shall be permitted unless prohibited by other Township or State requirements.

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

(iv) Limited forestry activities that do not clear cut the buffer (e.g., selective regeneration harvest) in accord with a forestry management plan shall be permitted provided no buildings are involved.

[Ord. 37]

E. *Steep Slopes.*

(1) *Definition.* Steep slopes are defined as areas with a slope of greater than 15 percent (i.e., a rise or fall of more than 15 feet in a horizontal distance of 100 feet).

(2) *Special Regulations.*

(a) Development on sites with steep slopes shall be minimized wherever possible so as not to excessively increase water runoff, cause soil erosion, stream sedimentation, stream siltation, mud slides, or cause any other significant disruption of the environment. Disturbance of any such areas shall be stabilized and maximum reclamation measures undertaken during and after construction.

(b) Plans for grading, soil erosion and sedimentation control, and landscaping shall be required and be submitted with any site plan proposal which involves slopes greater than 15 percent prepared by the owner or developer of the land. The plans shall contain methods to minimize rainfall runoff and to prevent erosion and the resulting sedimentation. The erosion and sedimentation control plan shall meet the requirements of Pennsylvania DEP and the County Conservation District.
[Ord. 41]

(c) Grading shall be minimized to the maximum extent possible on sites with slopes over 15 percent. There shall be no grading permitted on slopes greater than 25 percent without special approval from the Board.

F. *Stormwater Runoff Control.*

(1) *Purpose.* The purpose of stormwater runoff control are:

(a) To guide drainage and prevent increase in runoff on and off the site.

(b) To prevent destruction and loss of soils on and off the site from increased runoff.

(c) To prevent siltation of water bodies, watercourse, and wet areas on and off the site and subsequent harm to or loss of aquatic plant and animal life.

(2) *Special Requirements for Stormwater Runoff Control.*

(a) The owner/applicant shall comply with any Stormwater Management Plan or ordinance which has been adopted by the Township or County which is applicable to the proposed development.

(b) All developments shall limit stormwater runoff so that no more runoff is generated than that of the site in its current or natural condition. Use of such techniques as retention ponds, turfed swales, diversion ditches, and energy dissipators, shall be considered.

(c) The Zoning Hearing Board shall require the owner/applicant to provide a Storm Runoff Control Plan where site conditions warrant the preparation of such a plan. The plan shall be based on adequate topographic surveys, soil investigations, and runoff projections. To the maximum extent possible, the following standards shall apply:

1) The natural drainage patterns on- and off-site shall be used in their present state to the degree possible, and protected from disturbance.

2) Stormwater runoff shall be directed away from impervious surfaces and toward absorbent ground area.

3) The plan shall minimize blockage, collapse, or washout, street drainage, or other hazards associated with drainage and spring runoff conditions.

4) Connection shall be made to existing stormwater runoff drainage systems, where possible.

G. *Other Adverse Conditions.* Where other adverse environmental or hazardous conditions exist, the Township Planning Commission and Zoning Hearing Board shall establish suitable requirements to insure the public health, safety, and welfare.

(Ord. 27, 7/19/1995, §5.1000; as amended by Ord. 37, 3/10/2005, Items 20 and 21; and by Ord. 41, 11/10/2011)

Part 6**Administration and Enforcement****§27-601. General Procedure.**1. *General Sequence of Steps.*

A. Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by filling out the appropriate application form and by submitting the required fee. Where required, as set forth in Part 4, a site plan in accordance with §27-508 shall also be submitted with and made a part of the application.

B. Based on the applicable regulations of this Chapter and, if required, after any required review by other officials, the Zoning Officer will either issue or refuse the zoning permit and the Zoning Officer will indicate in writing any conditions attached to the permit or the reason for any refusal. If refused a permit, the applicant may appeal to the Zoning Hearing Board for further consideration. After the zoning permit has been received by the applicant, he/she may proceed to obtain other necessary permits and undertake the action permitted by the zoning permit and by the other necessary permits, and upon completion of such action, shall apply to the Zoning Officer for an occupancy permit where such a permit is required. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the zoning permit, he will then issue an occupancy permit allowing the premises to be occupied.

C. Upon receipt of an application for a zoning permit, the Zoning Officer shall examine the application and supporting information to determine compliance with this Chapter and other applicable Township ordinances, statutes, and regulations. The Zoning Officer shall complete this examination within 90 days from the date the application, including all required fees, was filed with the Township. The Zoning Officer shall determine if subdivision and/or land development approval and/or stormwater management plan approval has been obtained, if State sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of Labor and Industry. No zoning permit shall be issued unless the applicant presents the Zoning Officer with proof that any applicable subdivision and/or land development approval has been granted, a sewage permit has been issued by the Township Sewage Enforcement Officer for the lot, a driveway permit or a highway occupancy permit issued by the Department of Transportation of the Commonwealth of Pennsylvania has been issued in order that access may be gained to the lot, and all other required Township approvals and permits have been granted or issued. The Zoning Officer shall mark the application as either approved or disapproved and shall return one copy of the application to the applicant. The other copy shall be retained by the Zoning Officer for the Township files.

2. *Zoning Permit Types.* Under the terms of this Chapter, the following classes of zoning permits may be issued:

A. *Permitted Uses.* A zoning permit for a permitted use may be issued by the

Zoning Officer on his/her own authority.

B. *Special Exception Use.* A zoning permit for a special exception use may be issued by the Zoning Officer upon the order of the Zoning Hearing Board, after a hearing, and after any required review by the Planning Commission.

C. *Conditional Use.* A zoning permit for a conditional use may be issued by the Zoning Officer upon the order of the Supervisors, after a hearing, and after receipt of a recommendation from the Planning Commission.

D. *Zoning Permit after an Appeal or a Request for a Variance.* A zoning permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

E. *Temporary Use Permits.* Zoning permit for a temporary use may be issued by the Zoning Officer or the Zoning Hearing Board as required by any of the provisions of this Chapter.

(Ord. 27, 7/19/1995, §6.100)

§27-602. Zoning and Occupancy Permits and Certificates.

1. Applications to Zoning Officer.

A. All applications for zoning permits for permitted, special exception, or conditional uses; for occupancy permits, for variances, and for interpretations of any fact or provision of this Chapter shall be made directly to the Zoning Officer. Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land and any other information required by this Chapter.

B. No application shall be considered complete until any required fees have been paid. No application shall be complete until a plot plan has been submitted.

C. All applications for special exception or conditional uses or for uses subject to site plan review as set forth in §27-508, shall also include the information required therein.

D. The Zoning Officer, Zoning Hearing Board, Planning Commission, or the Supervisors may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its conformity with this Chapter.

2. Applications to Zoning Hearing Board. All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Secretary and/or Solicitor of the Zoning Hearing Board. Such appeals shall be in writing and shall explain fully the facts and particulars of the case and shall clearly state the reasons and provisions of the Chapter on which the appeal is based.

3. Zoning Permits.

A. A zoning permit shall be obtained from the Zoning Officer for the following purposes:

- (1) For any erection, construction, alteration, extension, replacement, relocation, or conversion of any building or structure or the commencement of excavation for construction of any building or structure.

(2) For the change in use of any building, structure, sign, and/or land. 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 dimension of the building or structure, or otherwise violate the provisions of this Chapter or any other applicable Township ordinance or applicable statute or regulation. Zoning permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises. No person shall make any change in land use or perform the actions described herein unless a zoning permit is being displayed.

B. Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time but not more than 1 year. The Zoning Officer, the Zoning Hearing Board, or the Supervisors may revoke a zoning permit at any time if it appears that the application is in any respect false or misleading or that work being done upon the premises differs materially from that called for in the application.

C. No zoning permit shall be issued by the Zoning Officer for any special exception or variance or appeal, except on written order of the Zoning Hearing Board; or for any proposed construction, alteration, or use that would be in violation of any provision of this Chapter.

D. Unless there has been substantial progress in the work for which a zoning permit was issued, as determined by the Zoning Officer, said permit shall expire 1 year from the date of issue, except that the Zoning Officer may grant a request for a reasonable extension of time, not to exceed 1 year, if warranted by the nature of the construction involved.

E. The Zoning Officer shall revoke a permit or approval issued under the provisions of this Chapter in the case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or if the permit has issued in error, or if work is not undertaken in accordance with the permit or for any other proper cause. 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, 53 P.S. §10101 *et seq.*

4. *Occupancy Permits.* The purpose of an occupancy permit is to certify that the premises comply with the provisions of this Chapter and may be used for the purposes set forth in the occupancy permit. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be secured from the Zoning Officer. A copy of the occupancy permit shall be kept upon the premises and shall be displayed upon request made by any officer of the Township. All applications for occupancy permits shall be in writing on forms to be furnished by the Zoning Officer.

5. *Certificate of Nonconforming Use.*

A. Within 6 months of the date of the adoption of this Chapter, all existing nonconforming uses and/or structures shall be registered with the Township by the owner of the property where such use or structure is located. Applications for such registration of nonconformance shall be filed with the Township Secretary and/or Zoning Officer at the Township Municipal Building.

B. During the 6-month registration period following the date of the adoption of this Chapter, the Township will advertise, by public notice, of certain times during each of these 6 months when the Township Municipal Building shall be open to receive applications for certificates of nonconforming use. Upon application by such an owner, the Zoning Officer shall then inspect and register the nonconforming use and/or structure and issue a certificate of nonconforming use to the owner.

C. The purpose of the certificate of nonconforming use is to certify and protect the owner's right to continue such nonconforming use or structure in accordance with the requirements of §27-504.

Failure to register said nonconforming use with the Township may affect the owner's legal rights to enlarge, restore, or change said use in the future.

(Ord. 27, 7/19/1995, §6.200)

§27-603. Zoning Officer.

1. *Appointment of Zoning Officer.* This Chapter shall be enforced by the Zoning Officer who shall be appointed by the Supervisors. Said Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning.

2. Duties and Powers.

A. The Zoning Officer shall administer this Chapter 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 this Chapter.

B. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.

C. The Zoning Officer or properly designated Enforcement Officer shall receive and examine all applications required under the terms of this Chapter and shall issue or refuse permits within 30 days of the receipt of the application or where applicable shall refer said application within 10 days to the Zoning Hearing Board, Supervisors, and/or Planning Commission. The Zoning Officer shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this Chapter. He shall keep records of applications, of permits, or certificates issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued and, where applicable in accordance with §27-602.5, shall identify and register nonconforming uses and structures and shall make all inspections required to determine conformance with this Chapter and perform all other duties as called for in this Chapter.

D. The Zoning Officer is the designated authorized officer of the Township to enter and investigate any claims for the purpose of investigation and enforcement of any of the provisions of this Chapter, and may be authorized by the Supervisors to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.

(Ord. 27, 7/19/1995, §6.300)

§27-604. Zoning Hearing Board.

1. *Board is Hereby Created.* A Zoning Hearing Board is hereby established in accordance with the provisions of the State Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended, the Pennsylvania Municipalities Planning Code. The members of the Board shall be residents of the Township and shall be appointed by the resolution of the Supervisors to serve for terms as prescribed in §903 of the Municipalities Planning Code, 53 P.S. §10903. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

2. *Organization of Board.* The Zoning Hearing Board shall elect officers and conduct any hearings and take any actions required by the Chapter and may make rules and forms for its procedure.

3. *Board Functions.*

A. The Zoning Hearing Board conducts its business in accordance with Article IX of the Municipalities Planning Code, 53 P.S. §10901 *et seq.*, and shall be responsible for the following:

(1) To hear and decide appeals against any alleged errors or actions of the Zoning Officer.

(2) To hear and decide all requests for the interpretation of any fact or provision of this Chapter.

(3) To hear and decide all requests for variances.

(4) To hear and decide all requests for special exceptions in accordance with the standards and criteria set forth in this Chapter.

Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within 6 months from the date of authorization thereof by the Board or by the Court if such special exception has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration, or change in use authorized by the special exception approval within 2 years from the date of authorization thereof by the Board, or by the Court if such special exception has been granted after an appeal. The Board, upon written application and for reasonable cause shown may extend the approval for an additional period of up to 1 year.

(5) To hear and decide challenges to the validity of this Chapter or Zoning Map or to any procedural questions or defects which are within its jurisdiction.

(6) The preparation and submission of a report of its activities to the Supervisors once a year.

(7) To hear and render final adjudications in any other matter for which the Board shall have been granted jurisdiction by Article IX of the Municipalities Planning Code, 53 P.S. §10901 *et seq.*

B. All findings and decisions of the Board shall be in writing and shall be rendered within 45 days after the last hearing before the Zoning Hearing Board and if the Board fails to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

C. The Board shall perform such other duties as may be provided or made necessary by this Chapter, or by State Act No. 247 of 1968, P.L. 805, 53 P.S. §10101 *et seq.*, as reenacted and amended, including the interpretation of zoning boundaries, the holding of hearings after proper notice, the referral of any pertinent matter to the Planning Commission for review and recommendations. The Board shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

4. *Notice of Hearings.*

A. Notice of all hearings of the Zoning Hearing Board shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Supervisors, and such other persons who have made a timely request for such notice. Such notice shall be given in accordance with the definition for public notice set forth in Part 2.

B. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

5. *Referral to Planning Commission.* The Zoning Hearing Board shall refer to the Planning Commission all applications for special exceptions, conditional uses, requests for curative amendments, and any other applications or appeals which, in the opinion of the Zoning Hearing Board, require review by the Planning Commission. In its review, the Planning Commission shall determine compliance with the standards and criteria set forth in this Chapter, and in all cases may report in writing its findings and recommendations to the Zoning Hearing Board or Supervisors within 14 days, as required by this Chapter. If such report is not received by the Board or by Supervisors within said time period, the Board or Supervisors may then proceed to final action on the case.

(*Ord. 27, 7/19/1995, §6.400*)

§27-605. Variances.

1. *Board May Authorize Variances.* The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Chapter inflict unnecessary hardship upon the applicant. The Board may grant a variance only when 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 Chapter 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 Chapter 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.

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.

2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Chapter.

3. Unless otherwise specified by the Board or by law, a variance shall expire if the applicant fails to obtain a zoning permit within 6 months from the date of authorization thereof by the Board or by the Court if such variance has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration, or change in use authorized by the variance approval within 2 years from the date of authorization thereof by the Board, or by the Court if such variance has been granted after an appeal. The Board, upon written application and for reasonable cause shown, may extend the approval for an additional period of up to 1 year.

(Ord. 27, 7/19/1995, §6.500)

§27-606. Township Supervisors.

1. *Function of Township Supervisors.*

A. The Supervisors will be responsible for the following:

(1) To hear and decide all requests for conditional uses after a public hearing and after review and/or receipt of a recommendation from the Planning Commission in accordance with the standards and criteria set forth in this Chapter.

(2) To hear and decide all requests for recommendations for amendments submitted to the Township by the Planning Commission or any other applicant for an amendment as set forth herein and as may be provided for in accordance with the requirements of the Pennsylvania Municipalities Planning Code State Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended.

B. All findings and decisions of the Supervisors shall be in writing and shall be rendered within 45 days after the last hearing before the Supervisors and if the Supervisors fail to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.

C. The Supervisors shall perform such other duties as may be provided or made necessary by this Chapter, or by Pennsylvania Municipalities Code, 53 P.S. §10101 *et seq.*, as amended, including the holding of hearings after proper notice and the referral of any pertinent matter to the Planning Commission for review and recommendations. The Supervisors shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

2. *Notice of Hearings.*

A. Notice of all hearings of the Supervisors shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Zoning Hearing Board, and such other persons who have made a timely request for such notice. Such notice shall be given in accordance with the term “public notice” as defined in Part 2.

B. In addition, written notice of said hearing shall be conspicuously posted on the affected tract of land at least 1 week prior to the hearing.

3. *Referral to Planning Commission.* The Supervisors shall refer to the Planning Commission all applications for conditional uses, and any other applications or appeals which, in the opinion of the Supervisors, require review by the Planning Commission. In its review, the Planning Commission shall, in the case of conditional uses, determine compliance with the standards and criteria set forth in this Chapter, and in all cases may report in writing its findings and recommendations to the Supervisors within 14 days.

(Ord. 27, 7/19/1995, §6.600)

§27-607. Hearings.

1. *Public Notice.* Public notice required for any hearings to be held by the Zoning Hearing Board, or the Supervisors shall be given as described in §§27-604.4 and 27-606.2 above.

2. *Date of Hearing.* The hearing shall be held within such time periods as required by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, unless the applicant has agreed in writing to an extension of time.

3. *Conduct of Hearings.* All hearings shall be conducted in accordance with the following:

A. The parties to the hearing shall be the Board of Supervisors and/or the Zoning Hearing Board as the case may be, any party who called for the hearing, person affected by the application who has made timely appearance of record, and any other person including civic or community organizations permitted to appear by the Board or by Supervisors.

B. The Board or the Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

D. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

E. The Board, Supervisors, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings.

F. The Board, Supervisors, or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other

materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

G. The Board, Supervisors, or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board, Supervisors, or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any law, ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. Where the Board, Supervisors, or the hearing officer, as the case may be, fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time.

H. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following the date of the decision. To all other persons who have filed their name and address with the Board or Supervisors not later than the last day of the hearing, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined shall be mailed.

(Ord. 27, 7/19/1995, §6.700)

§27-608. Amendments.

Procedure.

A. The Supervisors may, on their own motion or by petition, amend, supplement, change, modify or repeal this Chapter, including the Zoning Map. Before voting on the enactment of an amendment, the Supervisors shall hold a public hearing thereon, pursuant to public notice as required by State Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended.

B. Any landowner, or the Township itself may propose and prepare a curative amendment, as defined in Part 2, to this Chapter for consideration by the Supervisors in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended.

C. In the case of an amendment other than that prepared by the Planning Commission, the Supervisors shall submit each amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment. In all cases, the Supervisors shall also submit any proposed amendment to the Lackawanna County Regional Planning Commission at least 30 days prior to the public hearing on such proposed amendment. Said submittals shall provide said planning agency an opportunity to submit recommendations.

D. If, after any public hearing held upon an amendment, the proposed

amendment is revised, or further revised, to include land previously not affected by it, the Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. At all public hearings, full opportunity to be heard shall be given to any citizen and all parties in interest.

E. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Lackawanna County Regional Planning Commission.

(Ord. 27, 7/19/1995, §6.800)

§27-609. Appeals, Violations, and Penalties.

1. *Appeals.* Appeals may be filed with the Zoning Hearing Board not later than 30 days after the date of the action which is being appealed has been made, in accordance with the procedures set forth in the Pennsylvania Municipalities Code, Act of 1968, P.L. 805, No. 247, 53 P.S. §10101 *et seq.*, as reenacted and amended.

2. *Violations.* The construction, excavation, alteration, maintenance, or use of any structure, building, sign, land or landscaping, or the change of use, area of use, percentage of use, or displacement of the use of any structure, building, sign, land, or landscaping without first obtaining a zoning permit; or the use of any building, structure or land without receipt of a certificate of use and occupancy; or the use or maintenance of any building, structure, sign, or land for a use or in a manner which is not in accordance with the provisions of this Chapter; or the use of property for the use different from that set forth in any zoning permit of certificate of use and occupancy which has been granted for the property without applying for and being granted a zoning permit and certificate of use and occupancy for such new or different use; or the failure to comply with any other provisions of this Chapter; or the violation of any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or a conditional use by the Board of Supervisors or by a court of competent jurisdiction if a special exception, variance, or conditional use is granted by such court are hereby declared to be violations of this Chapter.

3. *Enforcement Notice.*

A. If it appears to the Supervisors that a violation of this Chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this Chapter.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person so requested in writing by the owner of record.

C. An enforcement notice shall state at least the following:

(1) The name of the owner of record and any other person against whom the Township intends to take action.

(2) The location of the property in violation.

(3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

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

5. *Enforcement Remedies.*

A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. [Ord. 41]

All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

B. The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 27, 7/19/1995, §6.900; as amended by Ord. 41, 11/10/2011)

§27-610. Filing Fees.

Filing fees for the review and processing of applications for zoning permits, occupancy permits, requests for variances, amendments or appeals, certificate for registration of nonconforming uses, and other related matters to determine compliance with this Chapter shall be charged to the applicant in an amount as established from time to time by resolution of the Board of Supervisors.

(*Ord. 27, 7/19/1995, §6.1000; as amended by Ord. 41, 11/10/2011*)

Part 7**Conservation Subdivision Design Development****§27-701. Concept.**

A key concept associated with conservation subdivision design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation subdivision design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation subdivision design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved. (*Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011*)

§27-702. Conservation Subdivision Design Development.

Conservation subdivision design development shall be required for all subdivisions and all residential land developments in accord with this Part and all other applicable standards. (See §27-703.3 for applicability.)

(*Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011*)

§27-703. Purpose, Development Options, Applicability and Design Process.

1. *Purpose.* In addition to the general community development objectives in §27-105 and the intents for individual zoning districts, it is the purpose of conservation subdivision design development to:

A. Conserve undeveloped land for the purpose of protecting primary and secondary conservation areas in contiguous, un-fragmented, commonly managed landscapes to:

(1) Protect large, intact wildlife habitat areas and connect patches of wildlife habitat to support greater biodiversity, maintain ecosystem processes and allow larger, healthier populations to persist.

(2) Minimize edge conditions and associated colonization by invasive plant species.

B. Contribute to the creation of a community-wide conservation open space system for the benefit of present and future residents.

C. Protect productive agricultural and silvicultural soils for continued or future use by conserving blocks of land large enough to allow for efficient production operations.

D. Conserve existing landscape character by minimizing views of new development from existing roads, thereby reducing perceived density.

E. Encourage innovation and promote flexibility, economy and ingenuity in development.

F. Provide multiple development options for landowners to reflect their

varying circumstances and the individual characteristics of their properties.

G. Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences.

H. Provide homes with direct views of conservation open space, organized around common greens.

I. Provide for the conservation and maintenance of conservation open space and for active or passive recreational use by residents.

J. Provide greater efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the impervious cover required for residential development.

K. Provide a wider range of feasible locations for stormwater and wastewater facilities in order to comply with prevailing state-of-the-art designs and best management practices.

L. Protect water quality and reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.

M. Implement natural resource conservation policies set forth in the Township's Open Space Plan.

N. Implement land use, open space, and community policies set forth in the Township's Comprehensive Plan.

2. *Conservation Subdivision Design Development Options.* In order to achieve the purposes in subsection .1, this subsection provides for flexibility in designing new residential subdivisions by permitting the following by right (permitted use) development options as applicable in subsection .3.

A. *Option 1.* Basic density and basic conservation providing for residential lots/units at the density permitted by the Density and Conservation Open Space Table in §27-706 with not less than 40 percent of the tract comprised of conservation open space.

B. *Option 2.* Increased density with increased conservation providing residential lots/units at the density permitted by the Density Standards Table in §27-706 with not less than 50 percent of the tract comprised of conservation open space.

C. *Option 3.* Greater density with greater conservation providing residential lots/units at the density permitted by the Density Standards Table in §27-706 with not less than 55 percent of the tract comprised of conservation open space.

D. *Option 4.* Country properties providing lots of the minimum size required in §27-707.2 and complying with other applicable standards without providing open space, although conservation open space may be provided. Any lots platted in a major subdivision using this Option 4 shall be restricted from further subdivision.

3. *Applicability.* Conservation subdivision design shall be required in accord with this Part in all OSC, A-R, V-R, R-1 and R-C Districts.

A. *Ten Acres or More.* All tracts of 10 acres of gross tract area or larger shall be subject to conservation subdivision design development in accord with this Part.

B. *Limited Exemption for 10 Acres or More.* In lieu of the Four-Step Conservation Design Process in accord with the Township Subdivision and Land

Development Ordinance [Chapter 22] the normal subdivision process as governed by the Township Subdivision and Land Development Ordinance [Chapter 22] may be applied to parcels of 10 acres of gross tract area or larger validly existing as of the effective date of this Part 7 provided all of the following are satisfied:

(1) The applicant shall submit with the subdivision application the applicable USGS 7.5 minute series quadrangle showing the entire parcel and a sketch of the entire parcel showing the proposed lots in relation to the entire parcel. This will enable the Township and the applicant to identify and discuss any effects the proposed subdivision may have on the long term use of the property, primary and secondary conservation areas, and the network of open land in the Township.

(2) The total number of lots subdivided from the original tract (i.e., the parcel as it existed at the time of the effective date of this Section) shall not exceed two lots in any 5-year period.

(3) Each lot shall comply with the minimum area, depth, and width specified in Schedule 27-II and other applicable requirements of this Chapter.

C. *Less than Ten Acres.* Separately deeded tracts of less than 10 acres of gross tract area validly existing as of the effective date of this Part may be developed as:

(1) A conservation subdivision design development in accord with this Part.

(2) A standard subdivision with each lot in compliance with the area, depth, and width specified in Schedule 27-II and other applicable requirements of this Chapter.

D. *Act 319 Lands.* On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of one lot per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this Part, and the lot shall count against the two-lot maximum established in paragraph .B(2).

E. *Existing Conservation Easements.* Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this Part provided such easement preexisted the effective date of this Part and the lot size stipulated in the easement for the lots to be subdivided complied with the requirements of this Chapter in effect at the time the conservation easement was recorded.

4. *Conservation Design Process.* All conservation subdivision design developments shall be designed using the Four-Step Conservation Design Process in accord with the Township Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

§27-704. General Regulations.

The design of all new conservation subdivision design developments shall be governed by the following minimum standards:

A. *Ownership.* The development tract shall be held in single ownership.

B. *Primary Conservation Areas.* The proposed design shall conserve the

primary conservation areas. Demonstration by the applicant that these features are conserved by the proposed design shall be prerequisite to all preliminary and final plan approvals under the Subdivision and Land Development Ordinance [Chapter 22]. Primary conservation areas include:

- (1) Delineated wetlands.
- (2) Floodplain (including the floodway) as shown on the Township Flood Insurance Rate Map.
- (3) Slopes of 25 percent or more.

C. *Secondary Conservation Areas.* The protection of secondary conservation areas shall be addressed through the Four-Step Design Process detailed in the Township Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

§27-705. Use Regulations.

1. *Uses Permitted in Options 1 through 3.* The following uses shall be permitted in Option 1, Option 2 and Option 3 Conservation Subdivision Design Developments:

- A. Single-family detached dwellings.
- B. Two-family dwelling units or townhouses.
- C. Conservation open space with the uses permitted by §27-709.
- D. Home occupations in accord with §27-503.2.
- E. Accessory uses on the same lot with and in accord with applicable district regulations.

2. *Uses Permitted in Option 4.* The following uses shall be permitted in Option 4 Conservation Subdivision Design Developments:

- A. Single-family detached dwellings.
- B. Conservation open space with the uses permitted by §27-709.
- C. Home occupations in accord with §27-503.2.
- D. Accessory uses on the same lot with and in accord with applicable district regulations.

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

§27-706. Maximum Dwelling Units and Minimum Conservation Open Space.

1. *Dwelling Units.* The maximum number of dwelling units shall be determined by using one of two approaches: a calculation using the density factor in the Density and Conservation Open Space Table and the formulas in subsection .4, or by a yield plan detailed in subsection .5. The applicant shall determine which approach is most suitable.

2. *Conservation Open Space.* The minimum conservation open space shall be as set forth in the Density and Conservation Open Space Table, regardless of which method is used to determine the maximum number of dwelling units.

- A. *Delineation.* Conservation open space shall be delineated to include all primary conservation areas and, in addition, sufficient secondary conservation areas that, when added to the primary conservation areas, shall not be less than

the minimum required conservation open space.

B. *Common Greens*. Part of the required (or provided, if not required) conservation open space may be in the form of common greens. If provided, the percentage of open space in common greens shall be as follows:

- (1) A minimum of 2 percent of the required conservation open space when the average lot size is 15,000 square feet or more.
- (2) A minimum of 3 percent of the required conservation open space when the average lot size is less than 15,000 square feet.
- (3) A maximum of 5 percent of the required conservation open space.

Density and Conservation Open Space							
OPTION 1 Basic Density and Basic Conservation (neutral density)		OPTION 2 Increased Density with Increased Conservation (20% density bonus)		OPTION 3 Greater Density with Greater Conservation (30% density bonus)		OPTION 4 Country Properties	
Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Density Factor (SF ATA / DU ¹)	Minimum Conservation Open Space Required ²	Minimum Required Lot Size	Minimum Conservation Open Space Required ³
OSC - Open Space Conservation District							
217,800 (5.0 acres)	40% ATA	174,240 (4.0 acres)	50% ATA	152,460 (3.5 acres)	55% ATA	217,800 (5.0 acres)	none
A-R Agricultural - Residential District							
130,680 (3.0 acres)	40% ATA	104,540 (2.4 acres)	50% ATA	91,480 (2.1 acres)	55% ATA	174,240 (4.0 acres)	none
V-R Village Residential District							
87,120 (2.0 acres)	40% ATA	69,700 (1.6 acres)	50% ATA	60,980 (1.4 acres)	55% ATA	130,680 (3.0 acres)	none
R-1 Low Density Residential District							
87,120 (2.0 acres)	40% ATA	69,700 (1.6 acres)	50% ATA	60,980 (1.4 acres)	55% ATA	130,680 (3.0 acres)	none
R-C Residential - Commercial District							
87,120 (2.0 acres)	40% ATA	69,700 (1.6 acres)	50% ATA	60,980 (1.4 acres)	55% ATA	130,680 (3.0 acres)	none

3. *Accessory Dwelling Units (ADUs)*. In Option 4, one ADU is permitted on a lot at least twice the size of the minimum required lot size for the District, in addition to the density permitted in subsection .1, in accord with the following standards:

A. The ADU shall be located within the principal dwelling unit or in existing or new outbuildings (such as barns, stables, carriage houses and garages).

B. The gross floor area of the ADU shall not exceed 900 square feet. An

¹SF ATA = square feet of Adjusted Tract Acreage in §27-706.4.C.

²Plus Constrained Land calculated in §27-706.4.B.

³Minimum Conservation Open Space is permitted but not required.

existing historic dwelling more than 50 years old that exceeds these floor area limits, up to a maximum of 2,000 SF of living area, may be used as an ADU.

C. The ADU shall meet all required setback standards.

D. Building permits for an ADU shall not be issued until the applicant demonstrates that a restrictive easement has been placed on the subject property prohibiting future enlargement of the ADU beyond that permitted herein. This restriction shall also be incorporated into the building permit. Issuance of permits for ADUs shall be contingent upon approval of the Sewage Enforcement Officer for appropriate sewage disposal systems.

E. ADUs shall not count toward the density limits set forth in subsection .1.

4. *Adjusted Tract Area Approach.* Determination of the maximum number of dwelling units shall be based upon the following calculations:

A. *Determine Gross Tract Area.* Gross tract area shall equal the acreage within the legally described parcel minus existing public or private road rights-of-way.

B. *Determine Constrained Land.* Constrained land consists of the resources listed in the Constrained Land Table multiplied by a protection factor and totalled. If two or more resources overlap, only the resource with the highest protection factor shall be used.

Constrained Land				
	Resource	Area of Resource (acres)	Protection Factor	Constrained Land (acres)
A	Existing utility rights-of-way		x 1.00	=
B	That portion of lands under conservation easement that are restricted from further development		x 1.00	=
C	Floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)		x 1.00	=
D	100-year floodplain (if not mapped by FEMA area is included in floodway above)		x 0.25	=
E	Wetlands as determined by a delineation		x 0.95	=
F	Prohibitive steep slopes (25% or greater)		x 0.85	=
G	Precautionary steep slopes (15% to less than 25%)		x 0.25	=
H	Ponds, lakes and streams to the high water mark		x 1.00	=
I	Constrained Land = Sum of A Through H			=

C. *Determine Adjusted Tract Area (ATA).* Adjusted tract area equals the gross tract area minus the constrained land.

Adjusted Tract Area		
A	Gross tract area	_____ acres
B	Minus Constrained Land from Constrained Land Table in §27-706.4.B.	- _____ acres
C	Equals Adjusted Tract Area	_____ acres = ATA

D. *Maximum Number of Dwelling Units.*

(1) In Options 1, 2 and 3, the maximum number of dwelling units equals the adjusted tract area (ATA) divided by the applicable density factor set forth in the Density and Conservation Open Space Table. Where calculations result in fractional numbers, the fraction shall be rounded down to the next whole number.

Maximum Number of Dwelling Units		
A	Adjusted Tract Area [from the Adjusted Tract Area Table in §27-706.4.B] converted to square feet)	_____ SF
B	Divided by density factor (from the Density and Conservation Open Space Table in §27-706)	÷ _____
C	Equals maximum number of dwelling units	= _____ DU

(2) In Option 4, the number of dwellings shall be based on the minimum lot size listed in the Density and Conservation Open Space Table in §27-706 and other applicable standards in this Chapter and the Subdivision and Land Development Ordinance [Chapter 22].

5. *Yield Plan Approach (applicable to Options 1, 2 and 3).*

A. *Number of Units Permitted.*

(1) *Option 1.* For Option 1, the maximum number of dwelling units shall be determined by a layout with conventional lotting using the standards in Schedule 27-II. The number of units permitted in the conservation subdivision design development shall equal the number of units on the yield plan, provided it meets the requirements of this Section and the Subdivision and Land Development Ordinance [Chapter 22] applicable to conventional subdivisions.

(2) *Option 2.* For Option 2, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.25.⁴

(3) *Option 3.* For Option 3, the maximum number of units permitted shall equal the number of units on an Option 1 Yield Plan, multiplied by a factor of 1.43.

B. *Constrained Lands.* For the purposes of meeting the minimum lot size requirement in the Option 1 Yield Plan the constrained land as calculated in the Constrained Land Table in subsection .4 shall not be included.

⁴The 1.25 multiplication factor was determined by dividing the Option 1 density factor by the Option 2 density factor (217,800 ÷ 174,240 = 1.25).

C. *Plan Requirements.*

(1) *SALDO Requirements.* Yield plans must be prepared in accord with the standards of the Subdivision and Land Development Ordinance [Chapter 22], containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if un-sewered, the suitability of soils for subsurface sewage disposal.

(2) *Resource Identification.* The yield plan must identify the site's primary and secondary conservation areas, as identified in the existing resources/site analysis, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the required dimensional standards. The yield plan shall be based upon accurate mapping of wetlands, 100-year floodplain and land with slopes greater than 15 percent.

(3) *Individual Sewage Disposal Systems.* On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by soils-based individual on-lot sewage disposal systems. For the purposes of determining density under this Section, this standard shall exclude holding tanks, individual stream discharge systems and evapotranspiration systems. Based on the existing resources/site analysis and observations made during an on-site visit of the property, the Township shall select a 10 percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant shall provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the yield plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second 10 percent sample shall be selected by the Township and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual soils-based on-lot sewage disposal system.

6. *Total Number of Dwelling Units.* The total number of dwelling units permitted on a development site equals the sum of the following, each of which shall be itemized separately in a table on the plans:

- A. Maximum number of dwelling units permitted in subsection .4 (adjusted tract acreage) or subsection .5 (yield plan), as selected by the applicant.
- B. Under Option 4, accessory dwelling units permitted in subsection .3.

7. *Preservation of Historic Dwellings.* To encourage the preservation of historic dwellings, such preserved dwellings shall not count toward the permitted maximum number of dwelling units, provided:

- A. Such dwellings are at least 75 years old.
- B. The dwelling is preserved in accord with the National Park Service historic

preservation standards.

C. The dwelling is placed in a landscape context that respects its historical status and appearance, as determined by the Board of Supervisors.

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

§27-707. Dimensional and Design Standards for Option 1, Option 2 and Option 3.

1. *Option 1, Option 2 and Option 3.* The standards in the following Dimensional Standards for Single-Family Dwellings Option 1, 2 and 3 Table shall apply to Option 1, Option 2 and Option 3.

Dimensional Standards for Single-family Detached Dwellings Option 1, Option 2 and Option 3				
Type of water supply and sewage disposal → →	community water supply & community sewage disposal	on-lot water & community sewage disposal	community water supply & on-lot sewage	on-lot water & on-lot sewage
Minimum Individual Lot Area	5,000 square feet	21,780 square feet	32,670 square feet	43,560 square feet
Maximum Depth to Width Ratio	5 to 1			
Flag Lots	permitted in accord with provisions of the Subdivision and Land Development Ordinance			
Setback Regulations				
- minimum front	20 feet			
- minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space			
- minimum side	5 feet 30 feet aggregate	15 feet		

2. *Option 4.* The standards in the following Dimensional Standards for Single-Family Dwellings Option 3 Table shall apply to Option 3.

Dimensional Standards for Single-family Detached Dwellings Option 4 - Country Properties			
Zoning District → →	V-R, R-1, R-C	A-R	OSC
minimum required lot area	3 acres (130,680 square feet)	4 acres (174,240 square feet)	5 acres (217,800 square feet)
maximum depth to width ratio	5 to 1		
minimum front yard	50 feet		
minimum rear yard	50 feet		
minimum side yards	one side yard - 25 feet / both side yards combined - 60 feet		
maximum building height	3 stories or 35 feet		

3. *Maximum Lot Coverage.* Maximum lot coverage for single-family dwellings in Options 1 through 4 shall be limited in accord with the following Maximum Lot Coverage Table.

Maximum Lot Coverage For Single-family Dwellings Option 1, Option 2, Option 3 and Option 4	
Lot Area	Maximum Lot Coverage
less than 10,000 SF	50%
10,000 - 19,999 SF	40%
20,000 - 43,560 SF	30%
more than 43,560 SF	reduce limit by 1.5% for each additional acre or fraction thereof but not reduced to less than 10%

4. *Dimensional Standards for Two-Family Dwellings and Townhouses.* The standards in the Dimensional Standards for Two-family Dwellings and Townhouses Table shall apply:

Dimensional Standards for Two-family Dwellings and Townhouses Option 1, Option 2 and Option 3	
Minimum individual lot area	none
Separation of principal buildings	35 feet
If individual lots are provided: minimum lot width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Setback from any adjoining internal street, street right-of-way, common parking area or sidewalk	20 feet

5. *Water Supply and Sewage Disposal for Two-Family and Townhouses.* Two-family dwellings and townhouses shall be served by a water supply system and a community sewage disposal system.

6. *Dwelling Lots/Conservation Open Space.* No part of any dwelling lot shall encroach upon conservation open space.

7. *Setbacks.* All new dwelling units shall meet the setback requirements in the following Dwelling Setbacks Table:

Dwelling Setbacks		
from:	Single-Family	Two-Family & Townhouses
External Township or State road rights-of-way	100 feet	150 feet
Other perimeter boundaries of the development tract	50 feet	100 feet
Crop land or pasture land not on the development parcel	100 feet	100 feet
Buildings or barnyards housing livestock not on the development parcel	300 feet	300 feet
Active recreation areas such as courts and play fields not on the development parcel (not including tot lots)	150 feet	150 feet

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

§27-708. Uses Permitted on Conservation Open Space.

The following uses are permitted in conservation open space areas:

A. *Open Land.* Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

B. *Agriculture and Horticulture.* Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings. Specifically excluded are dwellings, commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

C. *Horses.* Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 50 percent of the minimum required conservation open space.

D. *Forestry.* Forestry in keeping with established best management practices for selective harvesting and sustained yield forestry as published by the Pennsylvania Bureau of Forestry.

E. *Neighborhood Open Space.* Uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational.

F. *Recreation.* Active non-commercial recreation areas, such as playing fields, playgrounds and bikeways, not requiring supporting structures. Such recreational uses shall meet the following standards:

- (1) Such areas shall not consume more than 50 percent of the minimum required conservation open space or 5 acres, whichever is less. The 5-acre limit

may be increased to 10 acres on development parcels 200 acres or larger.

(2) Playing fields and playgrounds shall not be located within 100 feet of the tract boundary or a dwelling unit within the development parcel.

(3) Minimum parking facilities for the same, as determined by the Board of Supervisors, may also be permitted. Such lots may be paved with gravel and shall be unlighted, properly drained and provide safe ingress and egress.

G. *Golf Courses.* Audubon International Signature Golf Courses and their accessory facilities and parking areas, when permitted by the underlying zoning district, may comprise up to 50 percent of the minimum ATA of the required conservation open space. This use shall not include driving ranges or miniature golf. The gross floor area devoted to sales of golf equipment, clothing, food and other similar items shall not exceed 1,200 square feet. Accessory facilities and parking areas shall not count toward the minimum conservation open space requirement.

H. *Water/Sewer.* Water supply systems, sewage disposal systems, stormwater management systems and associated easements provided the total area does not exceed 20 percent of the minimum ATA required in the conservation open space. The following standards shall apply:

(1) *Water Supply Systems.*

(a) Drainage easements for water lines may be counted toward the minimum conservation open space requirement.

(b) Land used for ground-level well structures and associated parking exceeding 5,000 square feet shall not count toward the minimum conservation open space requirement.

(2) *Sewage Disposal Systems.*

(a) Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the conservation open space requirement.

(b) Soil absorption areas shall be appropriate for active or passive recreation.

(c) Sewage disposal areas in conservation open space shall be appropriate for active or passive recreation or shall be managed as meadows or forests; and may be counted toward the minimum conservation open space requirements.

(d) Absorption fields serving individual dwelling units may be located in the Conservation Open Space, but individual treatment tanks shall be located within the lots they serve.

(e) Each proposed absorption field area located in the conservation open space shall be situated in the closest proximity to the lot served.

(f) The responsibility for the maintenance of any individual absorption system shall be clearly defined including adequate surety, and an easement for the installation and maintenance of any such system shall be provided.

(g) Drainage easements for sewer lines may be counted toward the

minimum conservation open space requirement.

(3) *Stormwater Management Systems.* The following stormwater management practices may be counted toward the minimum conservation open space requirement, provided they meet the guidelines in the Pennsylvania Stormwater Best Management Practices Manual:

(a) Infiltration basin, provided the berms do not exceed 36 inches in height.

(b) Subsurface infiltration bed.

(c) Infiltration trench.

(d) Rain garden.

(e) Vegetated swale.

(f) Infiltration berm, provided the berms do not exceed 24 inches in height.

I. *Easements.* Easements for drainage, access, sewer or water lines, or other public purposes.

J. *Utility Rights-of-Way.* Underground utility rights-of-way, above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

§27-709. Conservation Open Space Design and Other Standards.

1. *Four-Step Design.* Conservation open space in all options shall be identified and laid out in accord with the Four-Step Design Process and conservation open spaces design standards in the Subdivision and Land Development Ordinance [Chapter 22], which begins with the identification of primary and secondary conservation areas.

2. *Map of Potential Conservation Lands.* Conservation open space shall be laid out in accordance with the Township's Map of Potential Conservation Lands to ensure that, over time, an interconnected network of conservation open space will be created.

3. *Layout.* The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.

4. *Permanence, Ownership and Maintenance.* The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities. The conservation open space shall be owned and maintained in accord with the Township Subdivision and Land Development Ordinance [Chapter 22].

5. *Use by Development Residents.* In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than 20 percent of the adjusted tract area. Not less than 15 percent of the conservation open space shall be free of wetlands, floodway, and slopes over 15 percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.

6. *Trails.* When the Board of Supervisors determines a benefit to residents of the

development in the form of trails or open space links, the applicant shall provide such linkages. In establishing the need for such linkages the Board of Supervisors may consider:

- A. Implementation of the Township Comprehensive Plan, Open Space Plan, trail map or official map.
- B. Trails integral to children's access to schools and parks.
- C. Impact on woodland and stream corridors.

7. *Buffers for Adjacent Public Park Land.* Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least 150 feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed, nor shall any clearing of trees or under story growth be permitted, except as may be necessary for street or trail construction or for the removal of invasive plant species.

A. Where existing vegetation provides an adequate buffer, as determined by the Board of Supervisors, the depth may be reduced to 75 feet.

B. Where the buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through restricted mowing policies and the periodic removal of invasive plant species.

8. *Building Lots.* No portion of any building lot may be used for meeting the minimum conservation open space requirement.

9. *Access.* Pedestrian and maintenance access shall be provided to conservation open space in accord with the following requirements:

B. No more than 15 lots shall be contiguous to each other without a centrally located access point meeting the following standards:

- (1) The width of the access strip shall not be less than 20 feet.
- (2) The access strip shall extend the full depth of the adjacent lots.

B. Access to conservation open space used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.

10. *Landscaping.* Conservation open space that is not wooded or farmed shall be landscaped in accord with the landscaping requirements and conservation open space management plan standards.

11. *Exterior Views.* Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the this Chapter and the Township Subdivision and Land Development Ordinance [Chapter 22].

(Ord. 27, 7/19/1995; as added by Ord. 41, 11/10/2011)

